Alberton Gorge Land Exchange

Environmental Assessment

December 15, 2003

Montana Fish, Wildlife & Parks

FOREST SERVICE
U S
DEPARTMENT OF AGRICULTURE

ALBERTON GORGE LAND EXCHANGE EA
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CHAPTER 1

PURPOSE AND NEED

CHAPTER 1: PURPOSE AND NEED

Purpose of the Exchange

The purpose for the proposed land exchange is to:

1) facilitate the conveyance of the Alberton Gorge River Corridor into public ownership to preserve the natural values of the Corridor;
2) improve, increase and perpetuate fishing access along the Clark Fork River;
3) consolidate land ownership in areas of western and central Montana, thereby allowing both the Forest Service and Montana Fish, Wildlife and Parks to improve administration of land management activities, including: fish and wildlife management, public outdoor recreational use, campground maintenance, and noxious weed management.

Description of the Proposed Exchange

This land exchange is based around the Alberton Gorge River Corridor, a seven-mile segment of the Clark Fork River located near the town of Alberton, about thirty miles northwest of Missoula. The Alberton Gorge is known regionally for its rugged, scenic canyon that supports water-based recreation activities for thousands of users annually. The corridor provides high-quality trout fishing, and serves as a ribbon of riparian habitat important to black bears, deer, elk, eagles, osprey and many other species.

The Montana Power Company (MPC) had acquired most of the privately owned shoreline in the Alberton Gorge to serve as the holding area for a possible reservoir that would accompany development of a dam and hydropower facility at the mouth of Fish Creek. Subsequently, MPC decided not to pursue hydropower development, and in the 1990s MPC began seeking ways to dispose of the Alberton Gorge property. Rather than put the land on the open market, however, MPC sought partners to secure an outcome that would protect the natural, scenic and recreational values of the Gorge. As part of that effort, MPC purchased additional land along the Gorge to prevent residential development and to assemble approximately 320 acres as a conservation package for potential public acquisition.

The Montana Department of Fish, Wildlife and Parks (FWP) and the Forest Service (FS) expressed their willingness to work with MPC to help conserve this spectacular landscape. In November 1998, River Network, a nonprofit conservation organization, became part of the conservation effort, paying $50,000 to MPC for a one-year option to purchase all of MPC's land in the Alberton Gorge River Corridor. In April 2000, River Network paid an additional $50,000 to extend the option through the year 2000; subsequent extensions granted by MPC continued this arrangement into 2002. During this time a detailed land exchange proposal was being developed by the participating agencies and organizations. River Network may decide to assign their interest in the real property to a subsequent nonprofit organization due to internal reorganization and financial reasons; presently, Five Valleys Land Trust, a nonprofit organization based in Missoula, is seriously considering the assignment.

In February 2002, NorthWestern Energy, a division of NorthWestern Corporation, purchased the transmission and distribution utility operations from MPC. Included in this purchase was the Alberton Gorge River Corridor. NorthWestern Energy is the current owner of this tract, though much of the exchange negotiations were with MPC. Since assuming ownership of Alberton Gorge, NorthWestern Energy has worked cooperatively with River Network, extending the option agreement and continuing to work toward the goal of transferring the Alberton Gorge River Corridor property to Montana Fish, Wildlife & Parks through the Alberton Gorge Land Exchange.

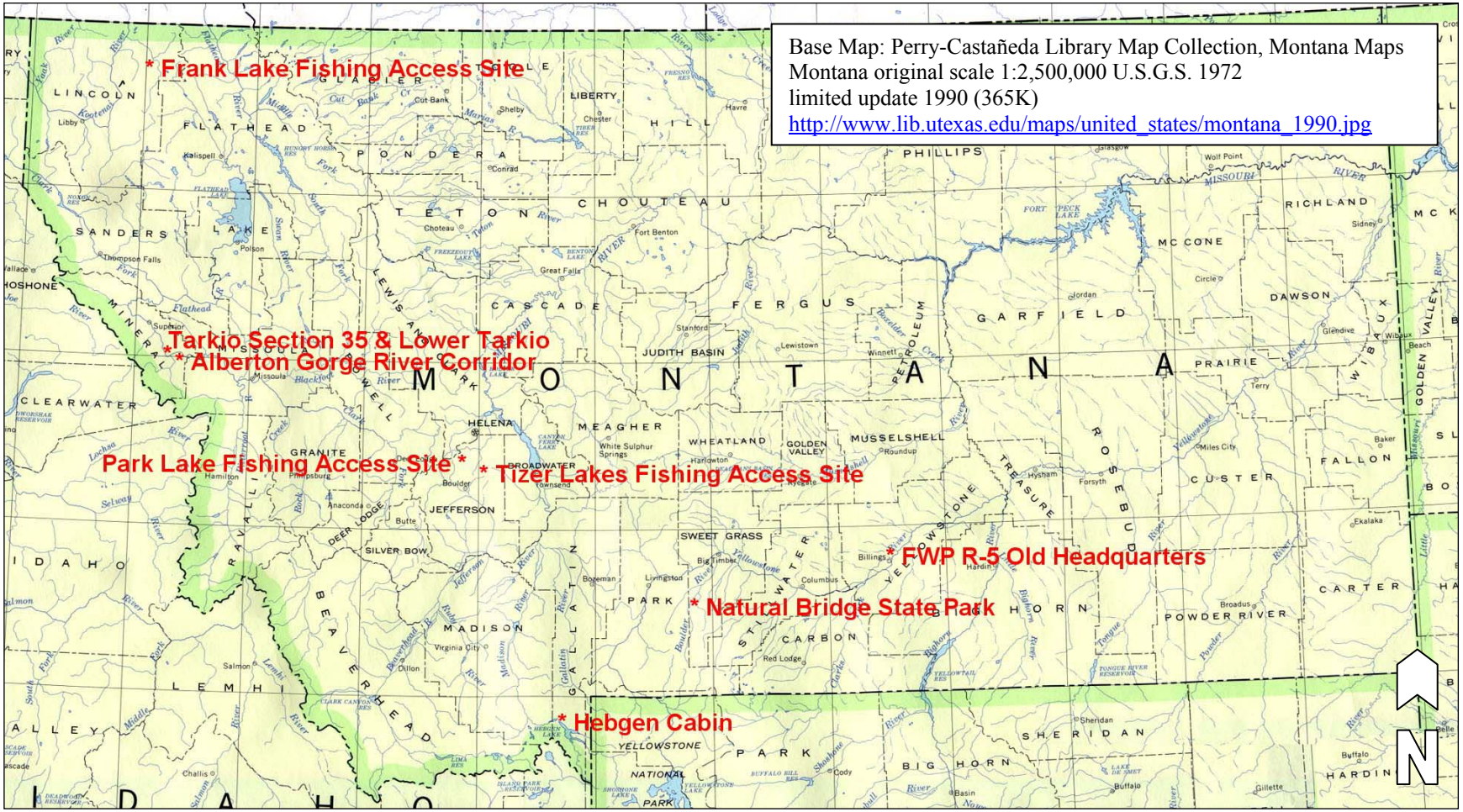
NorthWestern Energy declared bankruptcy on September 14, 2003, which may complicate the logistics of the proposed exchange; however, the participating parties are optimistic that the project still can proceed with similar results. In a letter from NorthWestern's Director of Land and Permitting to River Network dated December 8, 2003, NorthWestern affirmed their continued desire to complete the proposed exchange.

The proposed Alberton Gorge Land Exchange involves the transfer of tracts between three parties: FWP, FS, and River Network. These three parties will exchange a combination of land and cash with equal total market values. *Map 1: Alberton Gorge Land Exchange Tract Location Map* on the next page identifies the tracts proposed in this exchange. The diagram in *Figure 1* outlines the exchange procedure and the proposed phases of the exchange. *Table 1* lists the tracts in the exchange, current and future owners, the appraised values, and the acreage of each tract.

This exchange proposes that River Network will acquire Lower Tarkio (portion of Section 34) and a portion of Tarkio Section 35 from the FS (Lolo National Forest), and the Region 5 Old Headquarters in Billings from FWP. River Network intends to reconvey these three tracts to generate cash needed to purchase the Alberton Gorge from NorthWestern Energy. River Network also proposes to retain two parcels (2a and 11a) within the Alberton Gorge with plans to transfer these parcels to the Montana Department of Natural Resources in a future land exchange (see page 51 for more detailed information).

The FS has also identified the Hebgen Cabin tract as a disposal parcel near Hebgen Dam in south central Montana (Gallatin NF) and proposes to transfer it to River Network. River Network would then convey the Hebgen Cabin tract to NorthWestern Energy as partial payment for the Alberton Gorge River Corridor. NorthWestern Energy owns several cabins on this land, and is allowed use of the tract by virtue of its location within the FERC Madison/Missouri Hydroelectric Project Boundary. The tract is in the process of being removed from the FERC boundary, after which NorthWestern Energy would need to request a special use permit from the FS to allow use of the company-owned cabins until the land exchange is completed.

MAP 1: Alberton Gorge Land Exchange Tract Location Map



FWP proposes to transfer four tracts to the FS. The Park Lake Fishing Access Site (FAS) and Tizer Lakes FAS are located in the Helena National Forest (NF). Natural Bridge State Park, on the Boulder River, is located in the Gallatin National Forest. Frank Lake FAS is located near Eureka, in the Kootenai National Forest. The first three parcels are inholdings within national forest boundaries; Frank Lake is adjacent to national forest boundaries. Park Lake, Tizer Lake and Natural Bridge have been identified by FWP for disposal for nearly 10 years. All sites have been identified for acquisition by the respective National Forests.

The value of the lands transferred from FWP to the FS would be equal to the value of lands plus cash equalization transferred from FS to River Network (transfers A and B in Figure 1, below).

River Network would transfer a portion of the Alberton Gorge to FWP equal to the value that FWP transferred to the FS. Furthermore, FWP would also transfer the Region 5 Headquarters to River Network to attain additional land in the Gorge (Transfer C in Figure 1).

Each agency would receive value in land and/or cash equal to the value the agency conveyed.

Phase 2 has been proposed because the FS will not accept title to the Park Lake tract until the dam is upgraded. FWP is in the process of improving the structure to meet state dam safety standards. FWP will retain ownership of Park Lake until such time that the dam is brought up to mutually acceptable standards between the state and federal agencies. The agencies are collaborating on the final design for dam repair. To allow time for construction, negotiation, and to avoid postponing the other components of the exchange, this tract is proposed for exchange at a later date, referred to as Phase 2. The FS would receive Middle Osprey Fishing Access Site (FAS) in Phase 1 and hold it to directly exchange for Park Lake in Phase 2. Phase 2 can be independent of Phase 1, i.e. the tracts are similar in market values and fishery values to accommodate FWP and FS equal exchange requirements. If Phase 2 is not completed for reasons unforeseen, FWP and the FS would look at other options to achieve the original goals of FS ownership of Park Lake and FWP ownership of Middle Osprey FAS as part of the Alberton Gorge River Corridor or the parties will arrange cooperative management agreements for the respective sites.

The fair market value (FMV) of land transferred from FS ownership to River Network will equal the FMV of the land the FS receives from FWP. The FS will acquire FMV and resource values equal to the resource values conveyed. The FS could provide a cash equalization payment of up to 25% of the FS estate value in the exchange, which would reduce the FS acreage transferred. The intended use of lands transferred between the participating parties will coincide with adjacent forest plans and in some cases remain similar to existing uses.

FIGURE 1. Diagram of the Alberton Gorge Land Exchange

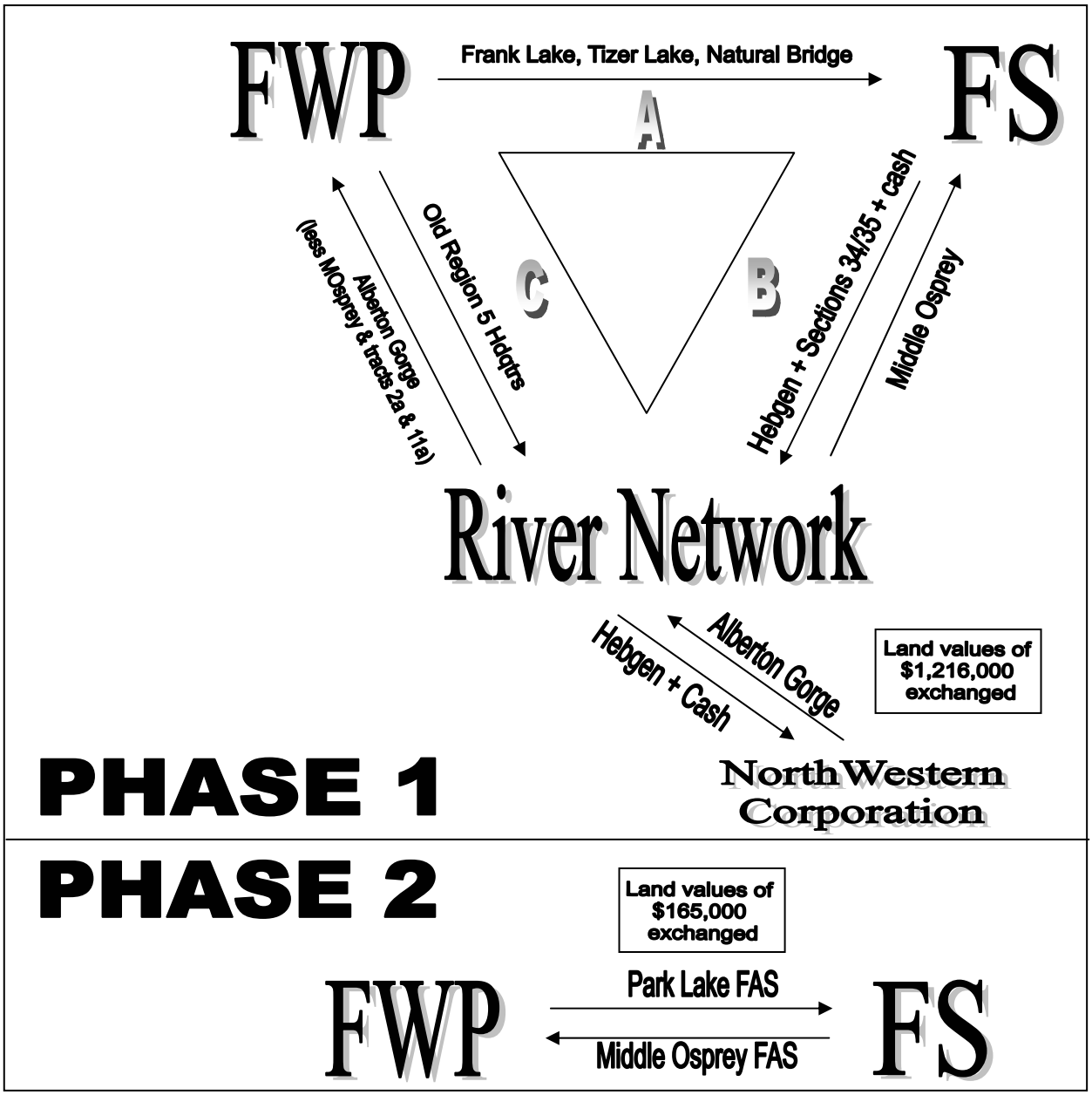


TABLE 1. Table of Proposed Land Exchange Tracts, Current and Future Ownership, Acreage and Appraised Values (including Phase 2 action)

Tract	Owner	Transfer to:	Approximate # Acres	Appraised Value
Frank Lake FAS	FWP	FS (Kootenai NF)	90.40	$407,000
Natural Bridge SP	FWP	FS (Gallatin NF)	40.00	$344,000
Park Lake FAS	FWP	FS (Helena NF)	95.88	$165,000
Tizer Lakes FAS	FWP	FS (Helena NF)	142.29	$196,000
		Total FS Acquisition	**369**	**$1,112,000**
Alberton Gorge (1998 value)	NorthWestern Energy	River Network buys with cash, transfers to FWP (-) parcels 2a & 11a	305	$1,206,600
Cash Equalization	River Network	FWP for parcels 2a & 11a		$9,400
Cash Equalization	River Network	FWP for balance over appraised value of Region 5 Old Hdqtr		$16,000
		Total FWP Acquisition	**305**	**$1,232,000**
Region 5 Old Hdqtr	FWP	River Network sells to buy Gorge ($104,000 value needed)	2.66	^ 120,000
Lower Tarkio	FS	River Network sells to buy Gorge	34.40	* $37,620
Tarkio Section 35 S½	FS	River Network sells to buy Gorge	320	* $652,080
Tarkio Section 35 N½	FS	River Network sells to buy Gorge	210	* $364,614
Hebgen Cabin	FS	River Network, then transfer to NorthWestern Energy for Gorge	2.2	* $43,000
Cash Equalization	FS	River Network to buy Gorge	0	* $14,686
Alberton Gorge parcels 2a & 11a (1998 value)	NorthWestern Energy	River Network retains for future DNRC exchange	19.5	$9,400
		Total River Network Acquisition	**589**	**$1,241,400**

^ This value is pending appraisal determination.
* Total value of the four FS tracts plus cash equalization equals $1,112,000 and the total FS acquisition value from FWP.
Note: Tracts within the Alberton Gorge have not been surveyed, therefore acreage may vary slightly. Acreage shown is based on the 1998 appraisal data for individual tracts.

Below is a summary of changes made to the proposal outlined in the Draft Environmental Assessment published in June 2000. These changes were made in response to public concerns about impacts to specific tracts, to equalize the exchange, and provide a more acceptable exchange for all parties, including the public.

- The original proposal indicated that 240-400 acres of Tarkio Section 35 would be transferred from the FS to River Network and development would likely be restricted. The number of acres currently proposed to transfer from the FS to River Network in Tarkio Section 35 has increased to about 530 acres. River Network would voluntarily place restrictive covenants on the land if it is conveyed to a private party.
- The Lower Tarkio tract was originally proposed for transfer from the FS to FWP. The current proposal will transfer the Lower Tarkio tract to River Network.

- The FS also proposes to transfer the Hebgen Cabin tract to River Network who will then convey the tract to NorthWestern Energy as partial payment for the Alberton Gorge. NorthWestern Energy would voluntarily place a third party easement on the land to protect the existing resources and prohibit subdivision.
- River Network may retain two or more parcels within the Alberton Gorge River Corridor near Cyr Bridge for use in a possible future land exchange with the Department of Natural Resources and Conservation (DNRC).
- A portion of Park Lake was originally proposed for transfer from FWP to the FS in Phase 1, with the remaining portion, including the dam, to be transferred in Phase 2. Currently, all of Park Lake is proposed for transfer to the FS in Phase 2.
- A FAS parcel (Middle Osprey) within the Alberton Gorge River Corridor is proposed for equal exchange value for Park Lake in Phase 2. The Middle Osprey FAS site would be transferred from River Network to the FS in Phase 1. When the Park Lake dam is improved to agreed standards, the FS would transfer Middle Osprey FAS to FWP in Phase 2.

Public Benefits of the Proposed Exchange

State Tracts

Conveyance of the FWP tracts to the FS will provide several important public benefits:

- FS would acquire three in-holdings (Natural Bridge, Park Lake, Tizer Lake) within Forest Service boundaries;
- FS would have consolidated management of two recreation facilities (Natural Bridge & Park Lake) eliminating public confusion and law enforcement jurisdiction concerns;
- FS would be able to expand the recreational facility at Park Lake, emphasizing protection of the lakeshore and improving accessibility to the lake;
- FS would be able to improve the recreational facilities at the Natural Bridge;
- FS would consolidate ownership of the Elkhorn Wildlife Management Unit (Tizer Lake);
- FS would acquire habitat valuable for threatened and endangered or federally sensitive species (Frank Lake, Natural Bridge, Park Lake, Tizer Lakes).

Conveyance of the FWP Region 5 Old Headquarters to River Network will also provide important public benefits:

- Eliminates maintenance and fees paid on a property which no longer serves the primary function for which it was purchased;
- Allows for future productive use of urban tract land in Billings.

Federal Tracts

Conveyance of the Federal lands to River Network will accomplish several important public benefits:

- Eliminates the FS management of an isolated parcel and the administration and maintenance of a road to access these parcels (Lower Tarkio and Tarkio Section 35);
- Increases the acreage of private land in Mineral County tax base;
- Through this three way land exchange, the Alberton Gorge would be placed in public ownership to provide improved fishing access, and preserve the natural values of the Gorge;

Private Tracts

Conveyance of the NorthWestern Energy tract to River Network, then into public ownership, will accomplish these important public benefits:

- Improves public fishing access for anglers along the Clark Fork River;
- Preserves the natural values of the 7-mile Alberton Gorge River Corridor, including fish and wildlife habitat and scenic values.
- Consolidates public ownership and management along the Alberton Gorge River Corridor for public use.

Appraisals Used to Determine An Equal Exchange

Each tract of land included in the land exchange has been appraised to determine the Fair Market Value of the property by requiring the appraiser to follow the Uniform Standards for Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) requirements.

The appraiser determines the highest and best of each tract of land. The analyses and the conclusion of the highest and best use are the basis of identifying the appropriate use or uses of the subject that will produce the greatest economic benefit for the owners. It is also used in the selection of comparable sales that are influenced by similar market conditions with a highest and best use consistent with the subject property. In arriving at the highest and best use conclusion, trends as indicated by sales, uses of similar properties in the area, economic conditions, in addition to characteristics of the subject property are all considered.

According to the *11th Edition of the The Appraisal of Real Estate* highest and best use is defined as: "the reasonable, probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

To be at the highest and best use, the property must meet four criteria. It must be:

1. physically possible,
2. legally permissible,
3. financially feasible,
4. maximally productive.

The highest and best use of a tract identified in the appraisal determines the tract's value, but it is not necessarily an indicator of how that tract will be used or developed by the acquiring party in the proposed exchange.

FS guidelines specify that appraisal values must be updated every six months to one year, depending on local market activity, to maintain accurate FMVs and to ensure an equal exchange.

Alberton Gorge Land Exchange Appraisals completed as of November 2003

1a. Original Appraisal Reports of Federal (includes Lower Tarkio and Tarkio Section 35 and is referred to as only "Tarkio") and State (Frank Lake, Natural Bridge, Park Lake, Tizer Lakes) properties:

- Appraisal Date of Value November 7, 2000.
- Appraisal Reports Completed on May 18, 2001.
- Appraisals Completed by Lee Murray, Qualified Appraiser, US Forest Service, Region 1

- Appraisals Reviewed and Approved on May 29, 2001
- Appraisal Reviews Completed by John Hickey, ARA, Regional Appraiser, US Forest Service, Region 1

1b. Update #1 of Appraisal Reports of Federal (Tarkio, Hebgen Lake) and State (Frank Lake, Natural Bridge, Park Lake, Tizer Lakes) properties: The purpose of the update was to provide a value of the Federal estate as now described and to bring the appraisal date of value forward to a current date for both the Federal and State appraisals. The previous appraisal (November 7, 2000) of the Federal estate only included the Tarkio tract. The updated Federal estate now includes two parcels, Tarkio and the Hebgen Lake tract.

- Appraisal Date of Value November 1, 2001.
- Appraisal Reports Completed on January 30, 2002.
- Appraisals Completed by Lee Murray, Qualified Review Appraiser, US Forest Service, Region 1

- Appraisals Reviewed and Approved on February 8, 2002
- Appraisal Reviews Completed by John Hickey, ARA, Regional Appraiser, US Forest Service, Region 1

1c. Update #2: The purpose of this update is to bring the appraisal date of value forward to a current date for both the Federal (Tarkio, Hebgen Lake) and State (Frank Lake, Natural Bridge, Park Lake, Tizer Lakes) properties and also to provide a valuation of the Middle Osprey (Picnic Point) tract.

- Appraisal Date of Value May 23, 2003.
- Appraisal Reports Completed on August 15, 2003
- Appraisals Completed by Lee Murray, Qualified Review Appraiser, US Forest Service, Region 1

- Appraisals Reviewed and Approved on September 30, 2003
- Appraisal Reviews Completed by John Hickey, ARA, Regional Appraiser, US Forest Service, Region 1

2a. Alberton Gorge River Corridor original appraisal including all parcels owned by Northwestern Energy (MPC) proposed for transfer.

- Appraisal Date of Value July 10, 1998
- Appraisal Report Completed on August 31, 1998
- Appraisal Completed by Anne Renaud-Wilkinson, Montana Certified General Real Estate Appraiser #313, AR Appraisal, Missoula, Montana.

2b. Update #1 to the Alberton Gorge River Corridor for the purpose of updating the original summary appraisal.

- Appraisal Date of Value July 13, 2000
- Appraisal Report Completed on July 13, 2000
- Appraisal Completed by Anne Renaud-Wilkinson, Montana Certified General Real Estate Appraiser #313, AR Appraisal, Boulder, Colorado

2c. Update #2 to the Alberton Gorge River Corridor for the purpose of updating the original summary appraisal.

- Appraisal Date of Value March 22, 2002
- Appraisal Report Completed on April 15, 2002
- Appraisal Completed by Anne Renaud-Wilkinson, Montana Certified General Real Estate Appraiser #313, Shelton Associates, Inc., Lakewood, Colorado

3a. FWP Region 5 Old Headquarters original appraisal including all (4) parcels owned by FWP proposed for transfer.

- Appraisal Date of Value July 13, 1998
- Appraisal Report Completed on July 17, 1998
- Appraisal Completed by Thomas C. Moss, Montana Certified General Appraiser #27, T. Moss & Associates, Billings, Montana

3b. Review #1 to the FWP Region 5 Old Headquarters for the purpose of updating the original appraisal.

- Appraisal Review Completed on July 24, 2000
- Appraisal Completed by Thomas C. Moss, Montana Certified General Appraiser #27, T. Moss & Associates, Billings, Montana

3c. Review #2 to the FWP Region 5 Old Headquarters for the purpose of updating the original appraisal – pending.

Purpose of the Draft Environmental Assessment and Current Environmental Assessment

The Draft Environmental Assessment (EA) was prepared jointly by FWP and the FS, as co-leads in June 2000. Both the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA) requirements will be met. The draft document served as part of the FS scoping process, by providing details on which the public can comment and identifying potential issues about the exchange. The MEPA process typically does not include formal scoping, but requests formal comments on the Draft EA for a thirty-day period. These recorded comments are addressed in this (final) EA, and/or within the Decision Notice.

This current EA considers the identified issues and a formal thirty-day comment period is provided after publication and public notice. The FS and FWP will write and publish a joint Decision Notice after the public comment period. A forty-five day appeals process is provided by the NEPA. Only those people who have submitted written comment during the public comment period can submit an appeal to the Decision.

Document Organization

This Environmental Assessment is divided into several chapters and sections to aid the reader in understanding the impacts to individual tracts of the proposed exchange. Each property proposed for transfer is addressed individually with location maps included. The MEPA/NEPA Checklist Environmental Assessment commonly used by FWP, was used as a guideline to aid in comprehensive consideration of environmental and human impacts. A narrative format is used, however, to better describe the composition of each tract of land. The final Summary reviews the cumulative impacts and net exchange of resources, such as timber values, access, wetlands and floodplains.

CHAPTER 2

ALTERNATIVES AND ISSUES

CHAPTER 2: ALTERNATIVES AND ISSUES

Alternatives

The proposed land exchange poses two alternatives: no action or to implement the exchange as outlined in the Description of the Proposed Exchange section, above.

The impacts of the No Action Alternative are discussed below, because the state and federal properties would undergo no changes if they remained under current ownership. The Alberton Gorge, which if sold by NorthWestern Energy on the private market, would undergo considerable changes to the present conditions. These impacts are discussed in the No Action Alternative, below. The No Action Alternative is used as a baseline for comparison to the Preferred Alternative B (Alberton Gorge Land Exchange). The specific evaluation under each tract section in this document addresses impacts that would likely occur if the Preferred Alternative B is completed as proposed.

The current proposal has little latitude to vary due to the number of parties and tracts involved, the need for River Network to recover funding, the time constraints by NorthWestern Energy, federal aid restrictions for replacement properties, and local concerns regarding impacts to exchanged lands. These components must remain very similar to what is proposed in order for the Gorge to be conserved and the exchange to succeed.

Many alternatives were considered in an effort to conserve the natural character of the Alberton Gorge River Corridor. These are discussed under Alternative C below, however, they have not been considered in detail in this analysis because they have been considered unfeasible for several reasons: the need for River Network to recover funding, time constraints by NorthWestern Energy, lack of agency funds allotted for land acquisition, and proposals not meeting the primary goal.

ALTERNATIVE A - No Action

Under the No Action Alternative, the exchange would not occur. This alternative would allow all properties to remain under current ownership with no changes occurring to the federal and state tracts. The Alberton Gorge tract has the potential for considerable changes if NorthWestern Energy decides to sell to private developers. More specifics are discussed under each tract section, below.

Alberton Gorge River Corridor

If the land exchange does not proceed, NorthWestern Energy or its successor in interest, may sell the Alberton Gorge River Corridor to private developers or individuals. This would likely result in residential sites along the Gorge area, according to the county planner and the "highest and best use" identified in the *Alberton Gorge Appraisal* (Anne Renaud-Wilkinson, Certified General Appraiser, AR Appraisal and Consulting), Date of Valuation July 10, 1998; updated July 13, 2000; updated March 22, 2002. The appraisal indicates that the tracts include marketable timber which could be harvested in a one-time cut or selectively harvested over a period of years. The property consists of 22 separate legal tracts, half of which have suitable legal and physical access for private residential development. The remaining tracts have few feasible uses without access, but have potential if assembled with adjacent properties. County Planner, Wayne Marchwick, (personal communication with Sue Dalbey, June 23, 2000) indicated that there is no county zoning in this portion of Mineral County that would restrict the type of development occurring on the property if privately owned. If the individual tracts were proposed to be subdivided, zoning or development restrictions must be approved by the County Planning Board. Sanitary systems would require the county's review and be subject to state law. Marchwick indicated that land values and taxes may remain similar under private or public ownership; however, if tracts are residentially developed, additional tax revenue could be collected for values such as scenic views and the type and size of structures placed on the tract. He also acknowledged that county costs for services provided may be higher than tax revenue received, based on studies done in another county.

Residential development is considered the most likely use of the Alberton Gorge River Corridor tracts, as suggested by the appraisal noted above. Potential impacts due to this type of development include the following:

Physical Environment

- disruption, displacement, erosion, compaction and over-covering of soils;
- temporary dust emissions from construction that reduce air quality;
- temporary surface water quality degradation from effects of construction along river banks;
- decrease in vegetation and potential for increased weed establishment;
- decrease in wildlife habitat and potential impacts to fisheries habitat;
- displacement of non-game wildlife and song birds;

Human Environment

- temporary additional noise along the Gorge area from residential development;
- fragmenting an existing large, linear, natural recreation area;
- increase in the density and distribution of the population along the Gorge;
- increase in governmental services for fire and police protection, schools, public parks facilities, road maintenance, water supply, septic systems, and solid waste disposal;
- increase in local tax base and an increase in use for this revenue;
- expansion of utilities;
- loss of the potential to gain public access to the river;
- decrease the current aesthetic values and scenic vistas, solitude for those endeavoring in outdoor recreation, such as bank and float fishing, floating the river, wildlife watching, walking;
- risk of losing cultural or historical resources.

Lower Tarkio Tract and Tarkio Section 35 Tract

Under the "No Action Alternative," the Lower Tarkio Tract and Tarkio Section 35 Tract would continue to be listed as disposal properties within the Lolo Forest Plan. Wildlife habitat, hunting and recreational access would remain in the current conditions and open to the public. The Lolo FS plan identifies only thinning of timber to occur on this property, therefore payments in lieu of taxes (PILT) income to the county would not increase significantly from future FS activity on these tracts. Future possibilities for these tracts may include use in another land exchange, after which this land could be subject to residential subdivision and development. The Department of Natural Resources and Conservation (DNRC), the managing agency for state school trust lands, has also indicated interest in acquiring Tarkio Section 35 from the FS, which borders DNRC-owned Sections 2 and 36.

Frank Lake

Frank Lake would continue as a minimally maintained fishing access site under FWP ownership.

FWP Old R-5 Headquarters

The FWP Old R-5 Headquarters would continue to be identified as a disposal property within FWP. It receives minimal maintenance and is used as a storage area for the current Region 5 office. Future funds would continue to be allocated to pay for taxes and assessments on this urban tract and considered excess FWP landownership.

Natural Bridge State Park, Park Lake FAS, and Tizer Lakes FAS Tracts

The Natural Bridge, Park, and Tizer Tracts would continue to be identified as disposal sites and considered for future land exchanges with the FS to consolidate recreational management operations. They will not be managed pro-actively by FWP due to the lack of personnel and funding to support these remote sites. Recreation and environmental management conflicts will continue at Park Lake. Public confusion of property ownership and law enforcement jurisdiction concerns will continue at these sites.

Hebgen Cabin
The tract is in the process of being removed from the FERC boundary associated with the Missouri-Madison Hydroelectric Project, after which NorthWestern Energy would need to request a special use permit from the FS to allow use of the company-owned cabins until the land exchange is completed. This request may be denied.

PREFERRED ALTERNATIVE B - Proposed Exchange

Alternative B proposes a land exchange between the state agency FWP, the federal agency FS, and the nonprofit organization River Network, as follows:

- FWP will acquire approximately 305 in the Alberton Gorge River Corridor, including approximately 7 miles of frontage on the Clark Fork River. FWP will transfer to the FS four sites – Natural Bridge, Park Lake, Tizer Lake and Frank Lake – totaling approximately 367 acres, and FWP will transfer to River Network the former Region 5 Old Headquarters office location in Billings.
- FS will acquire the four sites from FWP, and will transfer to River Network approximately 550 acres at Tarkio and the Hebgen Cabin tract.
- River Network will purchase the Alberton Gorge from NorthWestern Energy. River Network will sell the FS lands at Tarkio (voluntarily placing restrictive covenants on these lands to protect wildlife) and the FWP Region 5 Headquarters to recover costs in buying the Alberton Gorge. The Hebgen Cabin tract will be transferred to NorthWestern Energy as partial payment for the Alberton Gorge. River Network will transfer approximately 305 in the Alberton Gorge River Corridor to FWP. River Network will retain about 17 acres in the Alberton Gorge for use in a potential future exchange with DNRC.

This action is explained more thoroughly in the Description of the Proposed Exchange and *Table 1*, above. Impacts to the individual tracts are discussed under each corresponding section following the Introduction.

The FS and FWP are motivated to transfer the designated tracts to increase management efficiency and transfer isolated properties which can be more effectively managed by the agency owning the adjacent lands. The public will benefit from these trades through the consistent management of larger consolidated areas. Please refer to the list of public benefits acknowledged above.

Considerable support from River Network, the Missoula Whitewater Association, commercial outfitters, anglers, and regional individuals and groups suggest that the conveyance of the Alberton Gorge River Corridor into public ownership is a worthwhile venture in the public's interest. The total acreage of publicly owned land will decrease (primarily in Mineral County, slightly in Yellowstone County) as a result of this exchange. Four state tracts will remain open to public access after transfer to the FS.

Though, NorthWestern filed for relief under Chapter 11 of the United States Bankruptcy Code, the company is desirous of moving forward to a closing of the proposed transactions as per a letter to River Network dated December 8, 2003. Due to the

connected nature of all parcels in this exchange, the exchange would be difficult to improvise and conclude in a timely manner if any major components are altered. The preferred action must be pursued as a whole to achieve an equally valued exchange; the exchange would not likely succeed if individual parts of Phase 1 are significantly altered or removed altogether.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

These alternatives have been considered during the process of consummating the details of this exchange; however, due to the complicated and connected actions in this exchange, these alternatives were dismissed as unfeasible given the available funding, exchange tracts available within each agency, protection of the resources required, and the timely manner in which a transaction with NorthWestern Energy needs to be completed.

1) **Direct Purchase of the Alberton Gorge River Corridor by FWP.** *FWP would purchase the Alberton Gorge directly from NorthWestern Energy for the appraised value.* This alternative is not feasible, because FWP does not have this amount of acquisition funds available for lands from the appropriate funding sources. The result of not directly acquiring the Gorge would be that FWP and the FS would continue managing their respective properties identified for disposal.
2) **Phased Acquisition of the Alberton Gorge River Corridor tracts.** *The tracts within the Gorge could be acquired in a series of exchanges over time.* Each sequence must have equal values to exchange. An Exchange Agreement could be signed and executed by all parties to lock in the tract values. This would be a very lengthy process with many more details. NorthWestern Energy does not want to hold the Alberton Gorge River Corridor lands for an indefinite period.
3) **Partial Acquisition of the Alberton Gorge River Corridor.** *FWP could acquire only certain tracts within the Gorge.* This does not meet the desired goals of the project, which is to preserve the corridor in an undeveloped state.
4) **Direct Purchase of the Alberton Gorge River Corridor by River Network then Sell to Private Entities with Restrictive Covenants.** *River Network could purchase the Gorge outright from NorthWestern Energy and recover costs through the sale of specific parcels. A development setback provision from the river could be included in a conservation easement or through County participation in planning and zoning restrictions placed on the tracts by River Network at the time of resale. Access sites to the river could be conveyed to FWP.*

   The goals of River Network, NorthWestern Energy and FWP are to conserve fish and wildlife habitat along the Clark Fork River corridor and to protect the recreational experience for floaters and anglers on the Alberton Gorge. A resale of portions of the Gorge for residential development would not achieve these goals.

   FWP is becoming more aware of the public's increasing desire to have access to entire river corridors, such as on the Smith River and other efforts in the

Northwest, which do not simply provide pinpoint accesses to a river. This is another reason that the exchange process has continued as proposed.

5) **Identify Other Disposal Tracts for Use in the Exchange.** *The proposal could involve different tracts to exchange.* Other tracts were considered for exchange, including a federal tract in Mineral County, and a state tract in Carbon County. The federal tract was committed to a different land transaction prior to consideration in this proposal. The state tract had encroachment issues and other exchange issues that did not lend itself to inclusion in this proposal. There are limited disposal properties available and a limited number that would be desirable to the other parties involved in the exchange. The tracts to be conveyed to the FS have been identified for many years (except Frank Lake) as disposal sites by FWP. All FWP tracts are identified for acquisition by the FS.

6) **FS Places Restrictive Covenants on Tarkio Section 35.** *The FS could put restrictive covenants on Tarkio Section 35 when conveying to a private party.* This alternative was not considered necessary after reviewing the impacts and no significant net loss of wetlands, floodplains, wildlife, minerals, timber, recreation opportunity and aesthetics or other resources. In addition, River Network has agreed to place restrictive covenants in the deed, should the organization need to sell the Tarkio lands to recover costs of purchasing the Alberton Gorge. According to a June 6, 2003 letter by River Network, future development on the north portion of the section would be limited to timber harvest only and future development on the south portion would be six or fewer homesites.

7) **Direct Sales of State Tracts.** *The state disposal properties (Frank Lake, Natural Bridge, Park Lake, Tizer Lake) could be sold on the open market to the highest bidder*. FWP is mandated to replace federal funds, recreation and fishery value used when acquiring Natural Bridge, Park Lake and Tizer Lake. This alternative would not provide reimbursement of Federal Aid (Wallop-Breaux and Land and Water Conservation Fund) funds. This option could also be detrimental to wildlife, fisheries, and recreational values associated with these tracts depending on the intended land use by the land buyers. There would be no assurances of recovering the funds from sale for use in acquiring the Alberton Gorge River Corridor.

8) **FS Purchase FWP Tracts using Land and Water Conservation Funding.** *The FS is allotted Land and Water Conservation Funds (LWCF) annually to purchase lands in Region 1.* Other tracts in the Region would have a higher priority for purchase using these funds than the FWP tracts proposed in this exchange. Due to the limited amount of LWCF funding, it would be very difficult to purchase these tracts due to the competition for these funds.

9) **Complete the Alberton Gorge Land Exchange as Proposed, and then proceed with a subsequent land exchange between River Network and DNRC.** *This alternative continues to be considered, but is beyond the scope of this environmental assessment. DNRC has expressed strong interest in acquiring Lower Tarkio and Tarkio Section 35, which River Network would receive through the Alberton Gorge Land Exchange. These tracts adjoin DNRC school trust lands in Sections 2 and 36, and their acquisition by DNRC would significantly improve the agency's ability to access and manage timber resources over a contiguous*

and productive parcel of land. In anticipation of acquiring the Tarkio sections, River Network has submitted a Land Exchange Application, which is now being reviewed by DNRC. The application proposes that River Network transfer to DNRC the acreage it acquires at Lower Tarkio and Tarkio Section 35 in exchange for which River Network would receive several tracts of DNRC land in Mineral County. River Network would sell these lands to recover costs of purchasing Alberton Gorge.

The proposed DNRC Exchange as described above is a separate transaction from the Alberton Gorge Land Exchange analyzed in this environmental assessment. The DNRC Exchange will be processed under the auspices of the DNRC and will be subject to approval of the State Land Board. This process, now in its early stages, will involve an environmental review and public participation process under the Montana Environmental Policy Act (MEPA), as well as property appraisals, cultural inventories and other specific reports on the properties that will be involved in that land exchange. Because the DNRC Exchange is not yet approved by the State Land Board, this Environmental Assessment of the Alberton Gorge Land Exchange addresses the potential environmental impacts of private development of Lower Tarkio and Tarkio Section 35, rather than assuming that these Tarkio sections will be transferred to DNRC. To help ensure the success of the DNRC Exchange, River Network, DNRC and Mineral County planners have met several times to identify developable tracts that coincide with county planning objectives and DNRC land disposal criteria. The DNRC Exchange would meet two important objectives: a) keeping the Tarkio lands in ownership of a public agency, as desired by area residents; and b) transferring developable (DNRC)state-owned land in Mineral County into the private sector, an outcome desired by many county residents and public officials to increase local tax base.

Public Comment Period for (Current) Environmental Assessment

Thirty (30) days will be provided for public comment on the current EA after publication of a public notice in each of the following newspapers:

- Tobacco Valley News (Eureka),
- Western News (Libby),
- Daily Inter Lake (Kalispell),
- Mineral Independent (St. Regis),
- Missoulian,
- Helena Independent Record,
- Great Falls Tribune,
- Bozeman Daily Chronicle,
- Big Timber Pioneer,
- Billings Gazette.

In addition, the following notices will be issued:

- one public notice and the EA available on the FWP web page: *http://fwp.state.mt.us*.
- one statewide press release.

Landowners adjacent to the parcels, people who commented on the Draft EA, people who have been closely involved in the exchange, and people/organizations who wish to be notified of the availability of the current EA and public comment period will be mailed postcards or complete EAs. In an effort to reduce printing costs, the EA will also be distributed on compact disc.

Copies of the EA will also be available for the public to review at the following locations:

FWP Regional offices in Kalispell, Missoula, Bozeman, Billings, and the Headquarters in Helena;

FS Region 1 Office in Missoula; Supervisor's Offices in Libby, Bozeman, Helena, Missoula; FS District Offices in Superior, Ninemile and Big Timber.

Written comments can be sent to one of the following addresses (postmarked) **before 5:00 p.m. on <u>Janauary 27, 2004</u>**

USDA Forest Service-Northern Region Alberton Gorge Land Exchange Federal Building, 200 E. Broadway P.O. Box 7669 Missoula, MT 59807	OR	Montana Fish, Wildlife & Parks Alberton Gorge Land Exchange 1420 East 6th Avenue P.O. Box 200701 Helena, MT 59620-0701
Attn. Ron Erickson, Lands Phone: (406) 329-3623 FAX (406) 329-3132 Email: *rmerickson@fs.fed.us*		Attn. Darlene Edge, Lands Phone: (406) 444-4042 FAX (406) 444-3032 Email: *dedge@state.mt.us*

People wanting to review specialist reports, appraisals, or other information regarding the exchange can also contact the above people to request documents.

NEPA Scoping - MEPA Draft EA

Public Notice

The public was notified in June-July 2000 in the following manners to allow for comment on the Draft Environmental Assessment (EA) as required under MEPA and MCA 23-1-110 (House Bill 495). The following notifications also serve as notices for the scoping process under NEPA requirements to allow for public input and consideration of issues to be addressed in the EA.

- Four-consecutive weeks, legal notice publication in these newspapers ran June through July of 2000:
  - Tobacco Valley News (Eureka),
  - Western News (Libby),
  - Daily Inter Lake (Kalispell),
  - Mineral Independent (Superior),
  - Missoulian,
  - Helena Independent Record,
  - Great Falls Tribune,
  - Bozeman Daily Chronicle,
  - Big Timber Pioneer,
  - Billings Gazette.
- one legal notice on Montana's electronic bulletin board;
- one statewide press release;
- portions of the EA available on the FWP website: http://www.fwp.state.mt.us/index.html.

Copies of the Draft EA were mailed directly to many of the proposed exchange tract neighboring land owners to notify them of the proposed exchange. Copies of the Draft EA were also available for the public to review at the following locations:

FWP Regional offices in Kalispell, Missoula, Bozeman, Billings, and the Headquarters in Helena;

FS Region 1 Office in Missoula; Supervisor's Offices in Libby, Bozeman, Helena, Missoula; FS District Offices in Superior, Ninemile and Big Timber.

Public involvement was also initiated through the mailing of 382 scoping letters on July 6, 2000 to individuals who have expressed interest in land exchanges or any activity that occurs on these National Forests: Lolo, Helena, Gallatin and Kootenai. This letter informed the party of the properties being considered in the exchange and that the Draft EA was available for review. Seventy-five copies of the Draft EA were mailed to interested parties, including Mineral County Commissioners and legislators in Mineral and Missoula Counties. Thirty-one postcards were mailed to other individuals informing them of the proposed land exchange and availability of the Draft EA, and the comment closing date. Approximately 50 copies of the Draft EA were mailed or electronically sent to agency personnel for review, including the FWP Commission, Regional Supervisors, DNRC, MPC, and participating FS Ranger District Offices.

A second publication was run in the legal section of the same newspapers listed above for four consecutive weeks in October through November 2001. This notice informed the public that the Hebgen Cabin tract and the North ½ of Tarkio Section 35 were also being considered for potential conveyance by the FS to River Network. Persons having objections to the proposed exchange were instructed to file claims with the FS Director, Missoula within 15 days of the last publication of this notice.

Public Meetings July 2000

Public meetings at the following places and times were held to enable the public to address any questions about the proposed action. An agency staff member presented slides of the proposed tracts and explained the proposed exchange prior to receiving questions from the public at each meeting. The number of people who attended the meetings is in parentheses following the town name.

SUPERIOR (40)
Thursday, July 6, 2000
7-9 pm
Mineral County Building
300 River Road

HELENA (1)
Tuesday, July 11, 2000
7-9 pm
Helena NF Supervisors Office
2880 Skyway Dr.

MISSOULA (26)
Wednesday, July 12, 2000
7-9 pm
Double Tree Motel
Edgewater Meeting Room
100 Madison

FORTINE (12)
Thursday, July 13, 2000
7-9 pm
Fortine Ranger District Office
Murphy Lake Ranger Station

BILLINGS (1)
Tuesday, July 25, 2000
7-9 pm
FWP Reg. 5 Headquarters
2300 Lake Elmo Dr.

BIG TIMBER (7)
Wednesday, July 26, 2000
7-9 pm
Big Timber Ranger District Office
U.S. Highway 10 East

Persons having questions about this proposed land exchange contacted the FS or FWP agency representative below.

United States Department of Agriculture
Forest Service, Region 1
Lisa Subcasky, Realty Specialist
Federal Building
P.O. Box 7669
Missoula, MT
Phone: (406) 329-3126
Email: lsubcasky@fs.fed.us
(Ron Erickson has now replaced this FS representative)

OR

Montana Fish, Wildlife and Parks
Darlene Edge, Field Services Division
P.O. Box 200701
Helena, Montana 59620-0701
Phone: (406) 444-4042
FAX: (406) 444-3023
Email: dedge@state.mt.us

Public Comment Period for Draft EA

Thirty (30) days for public comment were provided after the second published legal notice to solicit comments on the Draft EA as per MCA 23-1-110 requirements and to accommodate the MEPA, which occurred from June 25 – July 31, 2000. Fifteen (15) days following the publication of the fourth set of legal notices (July 16) were provided for NEPA scoping. U.S. Fish and Wildlife Service Federal Aid requires 30 days for

public comment following the publication of the initial public notice; this comment period was also provided during the given period.

Additional Public Involvement for Each Tract

The public has been involved in the future of the **Alberton Gorge River Corridor** for over seven years. Local clubs, such as the Missoula Whitewater Association, and river conservation organizations such as River Network, have publicly shown their support for this section becoming a public, "un-developable" corridor at least since 1996. The April 1999 annual meeting for the Whitewater Association included over 50 people who were interested in the future of the Gorge. Members of the Association have taken active roles in helping with title searches, and helping to prioritize key lands within the exchange. Commercial guides have attended club meetings (above) and many outfitters support the land exchange.

River Network has shown their support by paying a $50,000 option payment to MPC in November 1998, and again in April 2000, which provided time to explore opportunities of procuring the Gorge into public ownership; and secondly, they are assuming responsibility for selling certain properties to provide funds allowing the purchase of the Gorge.

A July 6, 1998, a letter signed by the Montana Congressional delegation offers unanimous support for the project. The Lolo National Forest and Regional Office have received numerous letters in support of public ownership of the Alberton Gorge.

Mineral County Commissioners publicly opposed the potential sale of **Tarkio Section 35** tract to private entities for residential development and/or timber management (letter dated June 13, 2000; public meeting July 6, 2000 in Superior).

FWP and the FS sponsored a public meeting in Superior, Montana on Thursday, July 6, 2000 as part of the Draft EA public comment and scoping period for the purpose of hearing public comments regarding the Alberton Gorge Land Exchange. Forty people attended this meeting to hear a summary of the project, view slides of the tracts involved across the state and offer comments to the project. Many of the attendees opposed the development of Tarkio Section 35; some expressed support for FWP acquiring Alberton Gorge; few commented regarding the other tracts in the exchange.

The public dissension regarding private development of Tarkio Section 35 spurred the participating agencies to explore other avenues for River Network to acquire funding to purchase the Gorge that would also resolve local concerns regarding Mineral County tax revenue, private development, wildlife habitat and public access. Since that time, River Network, DNRC and Mineral County officials have been working toward a future land trade that would transfer Lower Tarkio and Tarkio Section 35 from River Network to DNRC. Thus, this block of land could ultimately return to public ownership.

Mineral County Board of Commissioners (letter dated May 23, 2002 to FWP Regional Supervisor-Missoula Mack Long) and 60 Tarkio area residents (through documented

contact by Wm. J. Wheeler in letter dated March 25, 2002 to FWP Regional Supervisor-Missoula Mack Long) have expressed their support of this future exchange, which indirectly supports the Alberton Gorge Land Exchange. This future exchange must be independently evaluated by DNRC, but all parties are working diligently toward this end.

The **Lower Tarkio tract** did not receive a significant number of comments specific to this tract, and as currently proposed, will primarily provide access to the southern portion of Tarkio Section 35 instead of enlarging the FWP Tarkio FAS as originally proposed.

Public involvement at the **Region 5 Old Headquarters** prior to the June 2000 EA was limited to discussions between FWP and Billings City Administrators regarding the proposal of a Law Enforcement Branch Office for the Billings Heights Task Force at this site. Local funding was not available to legally purchase the property by the police force; hence, the proposal was dismissed. The Billings public meeting on July 25, 2000 was attended by one person.

The **Natural Bridge, Park Lake and Tizer Lakes** tracts were proposed for transfer to the FS in prior land trades with unsuccessful results (to equalize the past exchanges). A public meeting was held at the Big Timber Ranger District office in 1989 or 1990, according to Gallatin NF Resource Assistant, Frank Cifala, to address a similarly proposed exchange (Little Lost Creek Land Exchange). Cifala recalls approximately two people attending the meeting (personal communication with Sue Dalbey, June 8, 2000). The Natural Bridge tract was removed from the exchange for equalization purposes. Public input opportunities were provided in the past exchange proposals, but little input regarding the current exchange was received until the release of the Draft EA and a public hearing was held in Big Timber, July 26, 2000.

River Network and FWP discussed the potential exchange with the previous Frank Lake land owner. Little other public input was received regarding **Frank Lake** in the current land exchange until the release of the Draft EA and the public hearing in Fortine, July 13, 2000.

The public was provided the opportunity to comment on the **Hebgen Cabin** tract to be transferred to MPC under the September 2000 FERC relicensing of the Missouri-Madison Hydroelectric Project #2188. The public was notified of the addition of this tract to the Alberton Gorge Land Exchange in October/November 2001 via notice in the newspapers listed above. No comments specifically regarding this tract were received.

Public Comments to NEPA Scoping - MEPA Draft EA and Responses

Written comments were sent to Montana Fish, Wildlife & Parks at the above address and other comments were recorded at the public meetings listed above.

Forty-five comments supported the Alberton Gorge Exchange as proposed, citing the public benefit of preserving the Gorge for fisheries and wildlife habitat, public recreation, aesthetics, and tourism resources.

Ten comments opposed the Alberton Gorge Land Exchange as proposed.

Seven comments specifically supported the preservation of the Alberton Gorge, but opposed the development of Tarkio Section 35.

Seven comments did not clearly state the writer's support or opposition to the project, and were considered neutral.

Below is a summary of questions or public comments generally opposed to the exchange and agency responses.

Comments regarding the entire exchange.

1. **Comment: Exchange will benefit rafters and floaters, not anglers.**
   Response: All recreational river users of the Alberton Gorge, including floaters and anglers, will benefit by the assurance that they will continue to enjoy a high-quality recreational experience in an undeveloped landscape. Anglers will also benefit by increased walk-in access and by conservation of the Clark Fork's fish habitat. Species of special concern in this drainage include cutthroat and bull trout. This is a difficult river to float, with challenging Class III and Class IV rapids; therefore, it is important to provide walk-in access. The development of three new fishing access sites within the Gorge will primarily benefit bank anglers by providing direct access to good fish habitat and the ability to walk up and down seven miles of stream on public ground. It is the intent to provide adequate off-road parking and latrines at these sites. Primitive trails will be provided to the river's edge, but will limit the boating access due to the distance (approximately 500') to the river and the narrow, forested trails. Anglers will be able to legally access the river and adjoining banks from nearly any place along the old Highway 10 between Cyr Bridge and Triple Bridges. The increased angling is not expected to significantly impact the fisheries in this reach of the Clark Fork River.

   The exchange of the other tracts in the proposed action will continue to afford angler access, since these sites will remain open to the public and FWP will continue managing the fisheries in cooperation with the FS.

2. **Comment: The consolidation of state and federal lands can occur some other way (without involving the Gorge).**
   Response: This may be true, however, other exchanges have been attempted, unsuccessfully, for over 10 years with some of these parcels (Park Lake, Natural Bridge, Tizer Lakes). To exchange properties is a complicated process due to few numbers of disposal properties available, varying monetary and resource values, limits on useable tracts depending on funding encumbrances.

3. **Comment: Include in the EA how to preserve other small parcels along the corridor that are now privately owned by Plum Creek and others, in the future, maybe through conservation easements.**
   Response: Preserving other small parcels has been considered during the discussions of this exchange. These properties are beyond the scope of this already complicated and detailed exchange EA. Acquiring certain tracts with valuable access or habitat will be considered if future opportunities arise.

4. **Comment: Will the appraisals be available to the public and when?**
   Response: The appraisals will be made available to the public at the time of the publication of this EA and in accordance with the Freedom of Information Act guidelines. Contact Ron Erickson, Lands Office, U.S. Forest Service, Federal Building, 200 E. Broadway, PO Box 7669, Missoula, MT 59807, or phone 406-329-3623, or Darlene Edge, Lands Office, Fish, Wildlife & Parks, 1420 East 6th Ave., PO Box 200701,Helena, MT 59620-0701, or call 406-444-4042

5. **Comment: Is the land appraised as development property or timber values?**
   Response: The appraiser considers all uses that are physically possible, legally permissible and would provide the highest return on a given parcel. Each tract in the exchange was assigned a fair market value based on their individual "highest and best use," which may differ among tracts and may include a combination of residential use and timber harvest potentials. Each parcel was also appraised by comparing it with area sales that had similar highest and best uses.

   The highest and best use is defined as the reasonable, probable and legal use of a property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria used to determine the highest and best use are: legal permissibility, physical possibility, financial feasibility, and maximum profitability.

   The State parcels were determined to have highest and best uses as follows: Frank Lake parcel - recreation residence(s), Natural Bridge parcel - rural homesite/recreation residence, Park Lake parcel - recreation, and Tizer Lakes parcel – recreation; FWP Old Headquarters parcel – subdivide into parcels that correspond to the existing use parcels. The FS parcels Lower Tarkio and Tarkio 35, were found to have a highest and best use of rural homesite(s) or recreation residence(s), with an interim use for timber production. The highest and best use

of the Hebgen Cabin tract was also identified as rural homesite(s) or recreation residence(s).

The Alberton Gorge appraisal identified eleven of twenty-two parcels (using existing survey boundaries) as having few if any feasible uses due to some physical or legal constraints such as topography, lack of access. The highest and best use determined for these parcels was to assemble them with neighboring tracts for future boundary re-survey or for future speculation. The highest and best use for the remaining tracts within the Gorge subject was for residential development. According to the appraisal report, the subject does have marketable timber that could be harvested in a one time cut or selectively harvested over a period of years.

6. **Comment: Were the cumulative impacts considered, including the impacts due to increased recreation, increased fishing on fish population, increased boaters' impact on water quality and solitude?**
   Response: These items are considered in more detail in the EA, though no significant cumulative effects are anticipated. The public access opportunities will only slightly change at Park Lake, Natural Bridge, Tizer Lakes and Frank Lake, since these sites will remain under public ownership. Visitation at these sites may increase slightly because of national trends or minor improvements to existing facilities.

   Recreation is not expected to increase greatly in the Gorge due to the limit on commercial outfitter permits, though some increases will occur due to the public ownership, and added fishing access. According to the area FWP Fisheries Biologist, angler pressure will not have a significant impact on the fisheries population in the proposed exchange area. Non-motorized watercraft and the use of the river by commercial guides helps limit the impacts to water quality in a river receiving as much use as the Clark Fork. Guides tend to police their clients and other users to maintain the resource and ensure a repeated, high quality experience beneficial to many user types. If the exchange is completed, FWP will be better able to respond to issues that may arise in regard to sanitation or water quality issues. Fifty percent of the respondents to the 1998 Recreation Survey conducted by FWP indicated that they encountered the "right" amount of people on the river. Thirty percent answered "hardly any". Eighty-eight percent of the people disagreed or strongly disagreed that the number of people they encountered had a negative effect on their experience. This indicates that increased number of boaters may slightly impact the solitude in the Gorge. If the Gorge is developed with homes overlooking the river, however, solitude and scenic views would also be affected.

Comments regarding Tarkio Section 35.

7. **Comment: It is a lack of stewardship of National Forest Lands to exchange Tarkio Section 35; FS should not sell any land; prime timbered FS land should not be developed.**
   Response: It is FS policy (Forest Service Handbook 5430.3 Policies) to complete land-for-land exchanges to consolidate National Forest System and non-Federal land patterns, or to make other adjustments in landownership clearly in the public interest and consistent with land management planning objectives.

   The purpose is not to convey lands out of federal ownership, but to consider the land exchange based on overall public benefit. Benefits of this exchange include: preserving the Alberton Gorge; providing additional angler access; FS acquiring non-federal land that will help in the consolidation of ownership. Please refer to the Public Benefits of the Proposed Exchange section of this chapter for a more detailed list of benefits.

8. **Comment: Find a different tract to trade than Tarkio Section 35; do not finance the exchange by selling public lands for private development.**
   Response: When local opposition to the sale/development of Tarkio Section 35 arose, the agencies looked at other FS properties in Mineral County to use in the Exchange, but others that met the disposal criteria in the Forest Plans were identified for use in other land transactions.

   River Network, the organization that will receive lands in Sections 34 and 35 at the conclusion of the Alberton Gorge Land Exchange, and FWP are responding to concerns about potential private development of this property. Instead of selling Sections 34/35 privately, River Network has submitted a land exchange application for the purpose of transferring this land to DNRC, which currently owns and manages timber land to the south and east. Under this proposed exchange River Network would receive other DNRC lands in Mineral County. These lands would be sold to the private sector, as considered desirable by Mineral County for purposes of economic development and to help offset the loss of potentially developable land in the county that will result from the Alberton Gorge conservation project. This future land exchange is beyond the scope of this Environmental Assessment, but if River Network's exchange application receives preliminary approval by DNRC, the specific properties and potential environmental impacts will be evaluated through a public review process under the auspices of DNRC.

9. **Comment: Tarkio Section 35 and the Alberton Gorge corridor are not of equal values to exchange; trading riverfront land for non-river front land is not an equal trade; timber values differ from home site properties along the river and the type of development they will attract.**
   Response: The regulations governing land exchanges with FWP and the FS and private landowners do not require the parcels be equal in all respects. The fair market values (FMV) determined by an appraisal and based on each tract's

individual "highest and best use" is the determining factor for an equal exchange. The price per acre may differ on each tract, but the exchange will balance monetarily. The combined total FMV of the state tracts will equal the FMV of federal lands in Sections 34 and 35 and the Hebgen Cabin tract. The number of acres in Tarkio Section 35 that the FS transfers depends on the FMV under the "highest and best use" determined in the appraisals. Cash can also be added by either agency (up to 25% of the total value of the federal property included in the exchange) to help equalize the exchange or perhaps reduce the number of acres that the FS transfers.

10. **Comments: Wildlife will be displaced if Tarkio Section 35 is developed; area is prime elk habitat year-round; elk cross Interstate 90 regularly to access water to the south; developing Tarkio Section 35 is self-defeating, since development will be close to the river, and push game away from the area, thus further impacting area ranchers.**
Response: Wildlife habitat and overall herd protection is a primary concern of both the FS and FWP. Local wildlife biologists do not anticipate significant decreases in elk and deer herd size from the potential development in Tarkio Section 35. Elk will be displaced to the north, and crop depredation will likely increase north of Interstate 90. Public recreation, including hunting and trapping, will be greatly diminished in Tarkio Section 35, and more resources may be required by FWP to manage nuisance wildlife in the area.

    Because Tarkio Section 35 and the adjacent DNRC sections currently provide the largest block of public lands in this area that are continuous across I-90, transfer of Tarkio Section 35 to private ownership could reduce the potential for a functioning linkage zone for large, wide-ranging species. Though more restricted, wildlife movement will continue to the river through DNRC-owned Sections 2 and 36. Those two sections will connect with lands along the subject Alberton Gorge to be owned by FWP, if the exchange is completed. This possible (and likely) impact to a potential linkage zone is being considered, as are the benefits to wildlife that will occur in other areas of the proposed exchange.

    Wildlife habitat (fisheries, game and non-game wildlife) protection will be gained through public ownership of Alberton Gorge. Elk, deer, bear and moose are known to use the Gorge corridor, as well as incidental use by gray wolves, osprey, bald eagles and peregrine falcons. Fisheries habitat protection is especially important, since the endangered bull trout and Montana species of special concern westslope cutthroat trout inhabit the Clark Fork River. Wildlife habitat protection will also benefit with the exchange of four other tracts by combining agency management and inclusion into surrounding FS travel plans, wildlife and recreation management. The agencies must make decisions based on the overall benefits to the public and environment.

    The public concern raised, however, about the potential development of this tract has instigated the pursuit of a future exchange between River Network and

DNRC, which would place Tarkio Section 35 under DNRC ownership for contiguous management with adjacent sections 2 and 36.

11. **Comment: Will restrictions limit who River Network can sell to or will these just be verbal commitments; will there be any development covenants?**
    Response: The FS has determined not to place restrictions on the land that it will transfer to River Network, so River Network or subsequent owners will have the ability to use or develop the land as allowed by state law and county regulations. As noted in the response to Comment #10, above, impacts to the resources are considered minimal and biological assessments have not illustrated the need for restrictive covenants being placed on Lower Tarkio and Tarkio Section 35. In response to public comments, River Network has submitted an application to trade the land it will acquire in Lower Tarkio and Tarkio Section 35 tracts to DNRC (see response to Comment #8, above). That land exchange is still in the early stages of evaluation; consequently, this Environmental Assessment analyzes the potential for land development in Sections 34 and 35 as consistent with existing laws and regulations. River Network, however, has also voluntarily agreed to place restrictive covenants on the lands should it become necessary to sell these to a private entity. The area north of the interstate would be restricted to timber management and the south area limited to the development of probably 4-6 homesites.

12. **Comment: If Tarkio Section 35 goes to DNRC, will logging or development restrictions be placed on the tract?**
    Response: The potential management of Sections 35 and 34 by DNRC is beyond the scope of this EA. If the proposed Alberton Gorge Exchange is implemented, and when negotiations between DNRC and River Network are completed, DNRC will issue an EA addressing a future land exchange of Sections 35 and 34 for other DNRC parcels in Mineral County. The Mineral County Commission has been involved in these discussions and the public will be asked to comment on this future proposed exchange.

13. **Comment: Concerned with impacts to [Tarkio Section 35 in regard to]:**
    a. **air quality from occupancy and road dust,**
    b. **increased run-off and erosion,**
    c. **increased effluent levels in the Clark Fork River from septic systems,**
    d. **domestic water demand on limited water supply,**
    e. **destruction of critical elk habitat and displacement of calving elk.**

    Response: Please refer to the EA, Tarkio Section 35.

Comments regarding Mineral County.

14. **Comment: The Exchange offers no economic value to Mineral County.**
    Response: Mineral County Commissioners and several citizens at the Superior Public Hearing (July 6, 2000) expressed concern about possibly adding more public land in a county that already is comprised of a majority of public land. They also stated their desire for residential development to add to the county tax base and stimulate the local economy. The proposed exchange is responsive to these concerns, because it will decrease the number of acres of public land in the county (over 500 public acres conveyed to private ownership in the Lower Tarkio tract and Tarkio Section 35 compared to approximately 320 private acres conveyed to public ownership in the Alberton Gorge). The increased acreage owned by private entities other than NorthWestern Energy will provide an opportunity for land development that may increase the tax base.

    In addition, if FWP acquires the Alberton Gorge, estimated payments in lieu of taxes to Mineral County would total $6,828 for this corridor (1999 tax rates). An additional $5,296 would be paid on other fishing access sites within Mineral County, which currently are exempt from payments as per Title 87-1-603 MCA, which states that if FWP owns less than 100 acres of taxable land in the county, that acreage is exempt from payments in lieu of taxes (PILT). This land exchange would place FWP land ownership in Mineral County over 100 acres, requiring payment on all FASs, or about $11,874. Montana Power Company paid approximately $700 in 1998 taxes on the approximately 320 acres in the Alberton Gorge Exchange. The proposed exchange will provide Mineral County with an estimated net gain of $11,174 in payments in lieu of taxes on the Gorge and other lands owned by FWP.

    The FS paid approximately $357 in-lieu of taxes on Tarkio Section 35 in 1999, including 25% of the income from the sale of timber in the county. FS payments to Mineral County for the 34-acre Lower Tarkio tract was estimated at $19. Placement of these tracts into private ownership could reduce future payment of the 25% income from the sale of timber; however, private timber harvest would result in the payment of taxes on any gain to the private owner.

    The per-acre non-qualifying agricultural land tax rate in Mineral County is $7.35/acre (1999). If approximately 530 acres of Tarkio Section 35 and 34 are placed under private ownership and taxed at this rate, the county would receive $3,895 in payments - a net increase from current public ownership taxation of $3,538. Developed features would be assessed in addition to this figure.

    Any private property developed in Mineral County, whether in the Alberton Gorge, Tarkio Section 35 or other properties, will likely increase county costs to administer permits, control fire, maintain access roads, and public safety. Incoming tax base will cover some of these costs, though this base may not sufficiently fund the added subdivision expenses incurred by the county (as per county planner).

15. **Comment: County would (does not want to) incur expenses of added visitation to Gorge area, such as: bridge replacement, public safety, parking, fishing & hunting violations; fees should be charged to commercial outfitters for using the Gorge, to supplement the County Public Safety Budget and Search and Rescue Services and to subsidize costs for added responsibilities encountered with added use.**
Response: The county road/bridge maintenance, public safety and parking issues would continue if the "no action" alternative is chosen and/or the Alberton Gorge is developed for private residents. Subdivisions may require increased costs to the county for year-round maintenance, permits, and inspections. which would not be required if the corridor is primarily used for recreation with seasonally high visitation.

As discussed above, FWP will pay an approximately $11,874 in lieu of taxes to Mineral County if Alberton Gorge is acquired, a net increase to the county of about $11,174 for the Gorge tract alone. These funds could supplement the County Public Safety Budget and help relieve some of the costs incurred by the County Search and Rescue Services sometimes called upon by river users. FWP currently charges a commercial user-fee equal to three percent of all registered fishing and whitewater outfitters unadjusted gross income for use of Cyr Bridge FAS as a put-in site, and Tarkio as a take-out. FWP does not have authority to provide direct payments of fees from commercial operators to the county; however, these funds will go directly back to managing the sites within the Gorge. The 2000 Recreational Use Survey conducted by FWP estimated that 25% of the overall recreational use is commercial floating use, compared to 45% in 1998. Approximately 10% of the visitor days in 2000 were by anglers, who also help maintain sites and fund PILTs through the purchase of their fishing licenses. (A copy of the 2000 Recreational Use of the Alberton Gorge survey can be obtained from FWP Region 2 State Parks Manager, 3201 Spurgin Road, Missoula, MT 59804)

If FWP owns the corridor, department staff will continue to patrol the area to assist local law enforcement with potential safety problems encountered with added visitation and game harvest, as well as monitor the new and existing fishing access sites (FAS). With three added access points along the Gorge, parking problems at the existing FASs may be alleviated by dispersing bank fishing, picnicking, wildlife watching, and walking to these lower use sites.

Since the Draft EA in June 2000 and after this comment was received, FWP has improved the Cyr and Tarkio Fishing Access Sites to aid in traffic movement and parking in these high use areas.

16. **Comment: Mineral County has no input to the process.**
    Response: A public hearing was held in Superior (on July 6, 2000 with 40 people attending), as it was in every community near an exchange parcel (Helena, July 11, 2000; Missoula, July 12, 2000; Fortine, July 13, 2000; Billings, July 25, 2000; Big Timber, July 26, 2000). The Draft EA was mailed directly to the County Commissioners, neighbors, and interested parties to solicit comments for both the NEPA scoping process and the MEPA comment period. Comments could be submitted via written form, telephone, or e-mail. Each agency is committed to cooperating with all involved parties to reach an agreement most beneficial to the public and the environment. Representatives from the land exchange team (FWP, FS, and River Network and Northwestern Energy) have had several meetings with the Mineral County Commissioners and residents near Tarkio Section 35 since opposition to the potential development of Tarkio Section 35 surfaced in 2000. In addition, DNRC and River Network have met with county representatives in an effort to follow up with a future exchange that would put Tarkio Section 35 into DNRC ownership.

    This EA will be made available to all those submitting comments and who attended the public meetings. A 30-day public comment period will be provided. Please refer to the previous sections Public Involvement, and NEPA Scoping - MEPA Draft EA for more details of public input to date.

17. **Comment: Public Hearings in Missoula "pumped up" the number of comments from kayakers, and white water companies in Missoula.**
    Response: It is the responsibility of FWP and the other agencies to conduct public meetings in the communities that would be directly involved with any project, especially one of such statewide significance. It is important that all issues are considered to determine the best decision in a project of any size. Missoula County was included in the public hearings due to the large number of Gorge users based out of this area who are also entitled to its use for recreational and angling purposes. Residents of either county were not restricted in their attendance of any or all meetings.

18. **Comment: FWP should assume ownership of public roads from Fish Creek Exit including Cyr Bridge, to I-90; residents up Sawmill Gulch have difficulty driving through traffic congestion at Cyr Bridge.**
    Response: Though maintaining roads is not FWP's primary mission, the agency is committed to looking for other funding sources to help maintain the roads and bridges in this popular recreation area. Since the time of this comment, FWP did enlarge and improve parking at the Cyr Bridge FAS. This construction provides parking for approximately 22 buses and 30 standard vehicles. Traffic will not be impeded since parking on the county road will be eliminated. In addition, the Tarkio FAS was modified in Spring 2001 to increase parking and improve traffic flow.

Recreational use of the Gorge, and therefore the use of these public roads, will continue even if the exchange does not occur. If Alberton Gorge is privately developed, many of these bridge and road problems would continue with additional costs associated with subdivision development and maintenance.

19. **Comment: Alberton Gorge can be preserved without this exchange if River Network buys it from MPC; Mineral County would help with planning (covenants?) before selling tracts to private entities to limit development in view of river, yet recover some costs; some tracts along Gorge could be given to FWP to give access. This would provide a tax base for the County.**
    Response: Allowing private development of the Gorge, even with the county as party to some restrictions, does not address the concern for conserving the Gorge for fish and wildlife habitat. If isolated parcels are conveyed to FWP, this scenario does provide some additional river access for anglers. Due to the high numbers of floating recreationists, however, private landowners along the corridor would likely complain about trespass and litter.

    River Network is a private nonprofit organization participating in the Alberton Gorge land exchange to conserve the river corridor along this recreationally important section of the Clark Fork River.

20. **Comment: Should have had the same effort, ingenuity and money spent trying to maintain the pristine nature of the Gorge without putting it into public ownership.**

    Response: NorthWestern Energy's alternative has been to sell the Alberton Gorge River Corridor property for development purposes. River Network's option to acquire the property from NorthWestern Energy has prevented the disposal of the property by NorthWestern Energy for any other purpose.

    The FS, FWP, and River Network believe that public ownership by FWP offers the best method to insure that the Clark Fork River corridor along Alberton Gorge retains its undeveloped character and is permanently managed for fish and wildlife habitat conservation and public recreation.

21. **Comment: FWP estimate of 30,000 users in the Gorge is inflated.**
    Response: This estimate was based on recreational use surveys in the Alberton Gorge (19-mile section from St. John FAS to Forest Grove FAS) conducted by FWP, and confirmed in the most recent survey by summer intern Katie Kneeshaw in 2000. Overall recreational use during the study period (54 days) was estimated at 23,890 visitor days +/- 3,532 (one visitor day is the equivalent of one person using the river for any part of one day). This recreation season was cut very short when the Governor closed 10 million acres of forestland and public waters August 11, 2000 because of extreme fire danger. Most recreation seasons would begin about June 15 and continue through the end of August (75 days). If a simple average of 442 visitors/day is calculated from the 2000 survey results, a full 75-

day season overall recreation use would total approximately 33,181 visitor days. This survey is not considered a baseline set of data for the Alberton Gorge; however, it does indicate that the estimate of 30,000 visitors is a credible estimate. A copy of this survey can be obtained from FWP Region 2 State Parks Manager, 3201 Spurgin Road, Missoula, MT 59804.

Comments regarding Natural Bridge

22. **Comment: Transfer of Natural Bridge to the FS will mean development of campgrounds; campground development at Natural Bridge will impact wildlife and increase potential for public accidents in the canyon; the site may be degraded into a logging or mining access road.**
    Response: The Gallatin National Forest has no plans to develop a campground at the site or change basic management goals. The FS may consider redesigning and improving the trail system to meet the Americans with Disabilities Act standards and provide better visitor safety. FS ownership of the Natural Bridge tract will provide continued protection of wildlife and habitat, improve visitor safety, cultural heritage and natural resources, and access to surrounding public lands. The site is already included in the Gallatin Forest Plan to maintain in its current state.

23. **Comment: a) Natural Bridge belongs to the people of Montana and was paid for with their money; do not swap with FS;**
    Comment: b) Opposed to the overall exchange process pursued to achieve the exchange as it is a way to circumvent the laws prohibiting the sale of properties by governmental entities.
    Response: The FS has managed this site without assistance from FWP for many years. The proposed exchange will not exclude Montanans from the use of Natural Bridge, since it will continue under public ownership open for public use and continued recreational opportunities. Montana statute allows the Department of Fish, Wildlife & Parks to disposeor transfer lands it owns (MCA 87-1-209). It specifically states that the Department may convey its lands for full market value to other governmental entities. Federal law also allows for land exchanges. The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) allows for and addresses the exchange of federal lands, as well as the other authorities listed below.

    Exchanges afford acquisition in place of State or Federal appropriation for purchase for conservation purposes, such as this opportunity to acquire Alberton Gorge, while keeping Natural Bridge and other FWP properties in public ownership through transfer to the FS. This exchange also helps the FS and FWP meet lands consolidation goals.

Authority

Land exchanges are warranted by:

- General Exchange Act of March 20, 1922;
- Boundary Extension Act of January 30, 1929;
- Federal Aid in Sport Fish Restoration Act of 1950, as amended (Wallop-Breaux);
- Land and Water Conservation Fund Act of 1965 (LWCF);
- Federal Land Policy and Management Act of 1976;
- Sections 23-1, 87-1-201 and 209, and 87-1- 605, Montana Codes Annotated (MCA);
- Federal Land Exchange Facilitations Act of 1988.

Listing of Other Local, State, or Federal Agency that has Overlapping or Additional Jurisdiction

Agency Name	Type of Responsibility
U.S. Fish & Wildlife Service	Approve exchange of lands purchased with federal aid funds (Wallop-Breaux)
National Park Service	Approve exchange of lands purchased with Land & Water Conservation Funds
Montana State Land Board	Approve exchange of State Lands
Fish, Wildlife & Parks Commission	Approve exchange of State FWP Lands
Mineral County	weed permit (FAS development) sanitation permit (FAS latrine installation) potential subdivision review property value assessments (taxes)

Explanation of U.S. Forest Service Review and Approval Under the National Environmental Policy Act (NEPA)

The NEPA review for FS actions includes a scoping period, during which public notices were published once for four consecutive weeks in applicable newspapers. Fifteen (15) days comment period is provided after this last publication. The Draft EA was issued at this time to explain and discuss potential impacts of the proposal. Comments received during this time were incorporated into the current Environmental Assessment. Public notice is given when this document is available for comment and a 30 day comment period is provided after notice publication. If no significant impacts are determined, then an Environmental Impact Statement will not be prepared, and an EA will be considered an adequate level of analysis. Upon completion of the comment period, the FS Director of Lands will sign a Decision Notice, and if applicable, a Finding of No Significant Impact. Public notice will be published regarding the Decision after which a 45-day appeals period will be provided. The FS allows 45 days for the Chief to respond to any appeals and resolve any disputes.

Explanation of U.S. Fish and Wildlife Service, Federal Aid, Review and Approval Under the National Environmental Policy Act (NEPA)

FWP used Federal Aid in Sport Fish Restoration (Wallop-Breaux) funds to purchase two tracts (Park Lake Fishing Access Site and Tizer Lakes Fishing Access Site) proposed for transfer to the FS. FWP is required to replace these tracts with lands having equal or greater fisheries and fair market values. Three individual parcels within the Alberton Gorge River Corridor are proposed to serve as replacement value for Park Lake and Tizer Lakes tracts. These tracts will be identified with FWP signs and minimally developed into fishing access sites (Upper Osprey, Middle Osprey and Lower Osprey Fishing Access Sites). Please refer to the Alberton Gorge Tract A section in this document for more details.

The U.S. Fish and Wildlife Service (USFWS), Federal Aid Staff in Region 6, Denver, is the decision-making authority regarding the exchange of these lands encumbered with Wallop-Breaux funds. USFWS review and approval of the proposed action under NEPA is required.

The USFWS must determine that:

1. there is no significant impact on the environment. In this case, the USFWS must prepare a Finding of No Significant Impact and publish a notice in a local newspaper allowing for public comment. The notice will also address wetlands that are present on the Park Lake and Tizer Lakes tracts, detail measures to protect them, and allow a 15-day public comment period. Finally, the USFWS must accept the Environmental Assessment (EA); <u>or</u>
2. determine that the EA is not acceptable because there is a significant impact on the environment. In this case, an Environmental Impact Statement would be required instead of the EA.

In addition to complying with NEPA in order to accomplish the proposed exchange, FWP will prepare for the USFWS review and approval a request to amend the Application for Federal Assistance F-22-L, under which Park Lake and Tizer Lakes tracts were originally purchased. This amendment will be the final compliance step through the USFWS to comply with the Federal Aid program requirements.

Explanation of National Park Service, Land and Water Conservation Fund Review and Approval Under the National Environmental Policy Act (NEPA)

The Land and Water Conservation Fund (LWCF) Act of 1965 encumbers properties acquired or developed with LWCF funds. Such properties must be kept open to the public and maintained for outdoor recreation in perpetuity. Requests from the project sponsor for permission to convert LWCF assisted properties in whole or in part must be submitted by the State Liaison Officer to the National Park Service Regional Director in

writing. NPS will consider conversion requests if the following prerequisites have been met.

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
2. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a State approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.
3. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that different political jurisdiction can better carry out the objectives of the original project agreement.

FWP originally used Land and Water Conservation Funds (LWCF) to purchase Natural Bridge State Park proposed to be traded to the FS. Under LWCF guidelines, it is necessary to find replacement property with equal fair market value as established by a State-approved appraisal (prepared in accordance with uniform Federal appraisal standards) and equal recreational usefulness. A parcel in the Alberton Gorge, known as Ralph's Takeout, currently receives high visitation for primitive camping and access to water recreation activities and is proposed as the replacement tract.

The National Park Service (NPS) is the administrative agency that oversees the LWCF program and will make the final decision regarding the proposed exchange of Natural Bridge for the identified parcel within the Alberton Gorge River Corridor believed to have equal or higher recreational values. FWP will submit this EA document, appraisals and other supporting documents for the "conversion-of-use" to the NPS for review and approval.

Environmental Justice, Executive Order 12898

When evaluating the use of federal Sport Fish Restoration funds, it is necessary to ensure that an action does not discriminate against certain groups. Lee Bastian, FWP Region 2 Parks Manager, confirmed to Sue Dalbey, June 20, 2000, that the proposed project does not have disproportionately high and adverse human health or environmental effects on low income populations, minority populations or Indian tribes. Access to land and the state's waters for fishing and recreation is an important part of most Montanan's lives. The proposed land exchange maintains public access to those lands that FWP is trading to the FS. In addition, the acquisition of Alberton Gorge will provide additional public access to a seven-mile reach of the middle Clark Fork River.

Explanation of Montana Fish, Wildlife & Parks Review and Approval Under the Montana Environmental Policy Act (MEPA)

The Draft EA provides a comment period of thirty days, after which FWP will make a final decision based on its consideration of the comments received and the analysis of the EA. The Draft EA was rewritten because certain aspects of the original proposed action changed, including the restrictions placed on land acquired by River Network and the addition of the Hebgen Cabin tract. The Fish, Wildlife & Parks Director, Jeff Hagener, will issue a decision notice based on the current EA. The Decision will also be subject to approval by the Fish, Wildlife and Parks Commission. The Decision Notice will be written, published and distributed to the same people who received the EA or commented on the EA.

Explanation of Montana Code Annotated 23-1-110

Section 23-1-110 MCA (House Bill 495) requires evaluation of improvements or development projects that would change park or fishing access site features or use patterns as defined in ARM 12.8.602.

Though the current use of the Alberton Gorge will remain fisheries and recreationally related, the designation of three specific Fishing Access Sites within the Alberton Gorge, and the minor development of these sites will cause MCA 23-1-110 to be initiated due to the items noted in the *Table 2*, below. The FWP Region 5 Old Headquarters will likely see a change in use pattern if sold by River Network; however, as an administrative site, this tract would be exempt from MCA 23-1-110, which only addresses fishing access sites and state parks. The proposed project will not significantly change the existing features or use pattern of the fishing access sites or park tracts being transferred to FS. The Tarkio tract that FWP is receiving from the FS will remain under similar use for fishing access and recreational use. The Tarkio Section 35, Lower Tarkio, and Hebgen Cabin tracts do not fall under the jurisdiction of MCA 23-1-110, since they are currently owned by the FS and will not come under FWP ownership.

Table 2, below, briefly lists the developments addressed under MCA 23-1-110 as related to the primitive development of three new fishing access sites within the Alberton Gorge River Corridor. Please refer to **Appendix 1** for a more thorough consideration of MCA 23-1-110 issues.

TABLE 2. MCA 23-1-110 Checklist for Fishing Access Sites (and State Parks)

12.8.602 (ARM) (1)	**Reason for Qualifying**
(a) New roads/trails over undisturbed land	Yes
(b) New buildings	No (latrines exempt)
(c) Excavation over 20 cubic yards	Yes
(d) New parking lots over undisturbed land	Yes
(e) Shoreline alterations	No
(f) Construction into water bodies	No
(g) Construction w/impacts on cultural artifacts	No
(h) New underground utilities	No
(i) Campground expansion	No
(j) Change existing features	Yes

Why an EA is the Appropriate Level of Analysis for Proposed Action

A Draft EA is sometimes prepared to determine if significant impacts will occur, thus requiring an Environmental Impact Statement. An interdisciplinary team from the FWP, FS, River Network and private consultant, along with the input and expertise of many specialists from within each agency wrote the Draft EA. The Draft EA, published in June 2000, did not identify any significant impacts. The Draft EA notified the public and allowed for public input in several ways: public hearings, e-mail, telephone, and written communication.

Comments from the public were considered in the preparation of the current EA to identify alternatives and potential impacts.

Tarkio Section 35 is the most controversial tract, because it could potentially undergo the most changes if transferred from the FS to River Network. Yet, the Draft Environmental Assessment and the current assessment did not find significant impacts to either the human or physical environment due to the proposed development in Tarkio Section 35 or from the exchange of other parcels in the proposed action. An EIS, therefore, has been considered unnecessary by the interdisciplinary team.

CHAPTER 3

AFFECTED ENVIRONMENT

ALBERTON GORGE RIVER CORRIDOR TRACT A

ALBERTON GORGE RIVER CORRIDOR - TRACT A

Introduction

The Alberton Gorge River Corridor has been of interest to out of state power companies and private landowners as a hydroelectric dam site since the early 1900's. NorthWestern Energy (formerly MPC), a publicly owned utility company, currently owns fee land and flooding rights along approximately seven miles of the Clark Fork River about thirty miles west of Missoula. The power company marked the Alberton Gorge as a disposal tract several years ago, with the goal of fair compensation to protect stockholders, yet with a genuine interest to convey the property into public ownership.

NorthWestern Energy ownership extends along portions of both sides of the Gorge, which is deeply incised below the valley floor. The Gorge walls are steeply sloped, revealing ancient bedrock and forested slopes best viewed from the river's perspective. NorthWestern Energy property is generally within the borders created by the river's edge and adjacent state and county roads immediately accessible from Interstate 90, and/or the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad (Old Milwaukee RR). The property consists of 22 separate legal tracts, about half of which have access suitable for providing private residential development.

Western Montana's population is rapidly increasing, particularly within commuting distance from Missoula. The area proposed for exchange is within that commuting range, and would offer sites for home development. NorthWestern Energy's ownership has conserved Alberton Gorge and future ownership by a public entity can perpetuate this corridor with its natural characteristics.

It is proposed that River Network purchase the Alberton Gorge River Corridor from NorthWestern Energy using funds generated from the sale of the Lower Tarkio and Tarkio Section 35 tracts and the FWP Region 5 Old Headquarters. These properties have been identified for disposal by the respective agencies. The sale of Tarkio Section 35, or other similar properties in Mineral County (please refer to the Tarkio Section 35 section for details regarding DNRC properties) will limit the impacts of lost tax base in Mineral County. In addition, the FS would transfer the Hebgen Cabin tract to River Network, and subsequently to NorthWestern Energy for partial payment for the Alberton Gorge River Corridor.

River Network would then transfer title of the Alberton Gorge to FWP as the public managing agency. Increased bank angler access will be provided to the Clark Fork River, and the corridor can be conserved for future recreational use. If the property comes into public ownership through the Alberton Gorge Land Exchange, private residences, commercial, or industrial development will not occur along the corridor.

River Network also proposes to retain two parcels within the Gorge to use in a future exchange with DNRC. Please refer to *Map 2: Alberton Gorge River Corridor* for the

location of these narrow strips of steep land (yellow) on the north side of the river which adjoin existing large DNRC tracts (blue). As referenced in this document and the 1998 appraisal, Parcel 2A is just downstream of the existing Cyr Bridge FAS; Parcel 11A is north of the proposed Middle Osprey FAS.

FWP does intend to greatly improve bank angling opportunities in the Gorge, by providing off road parking at three primitive fishing access sites within the Corridor.

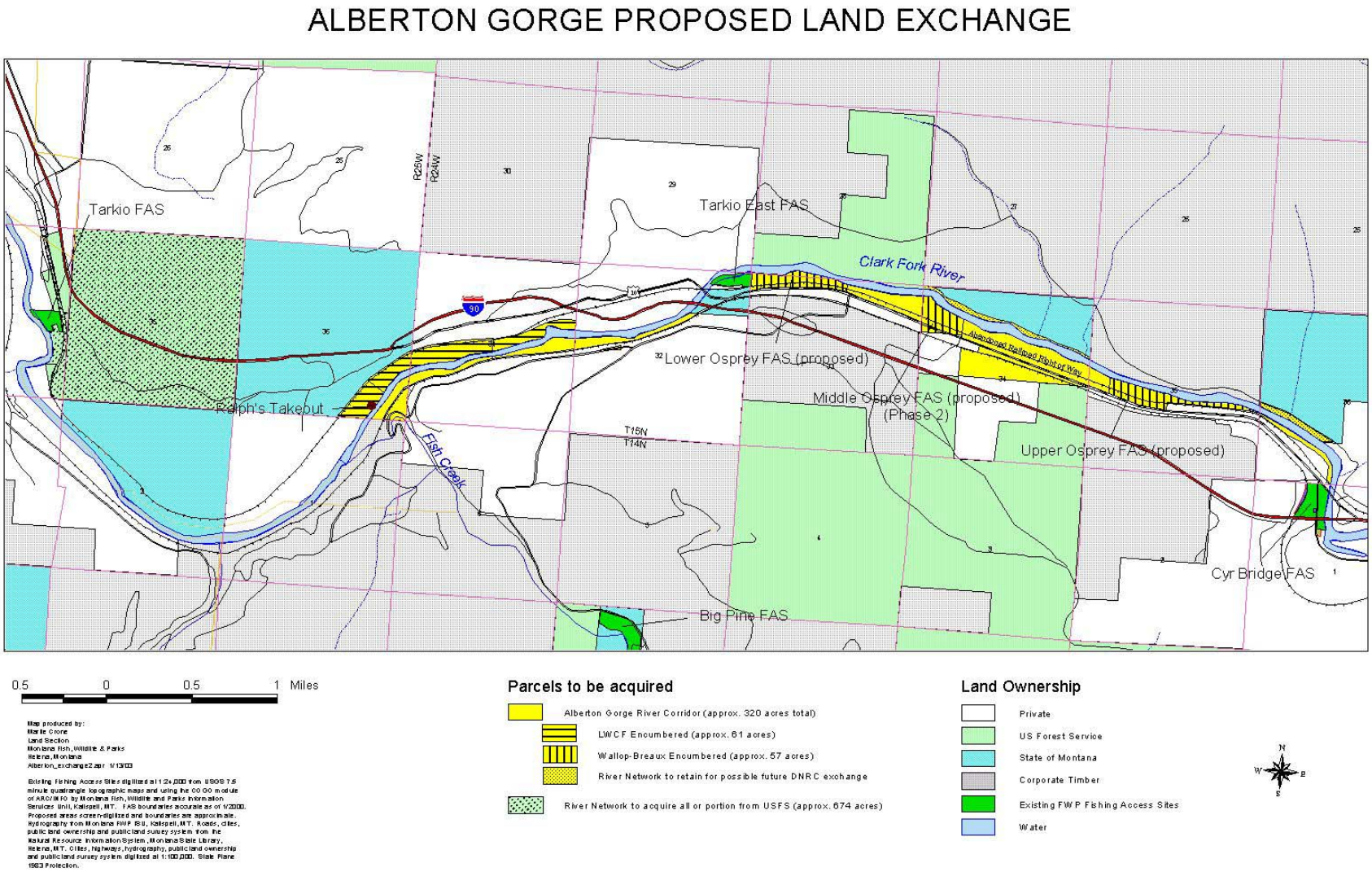
Historically, private landowners allowed anglers and general recreationists to access the Clark Fork River. According to anecdotal information from longtime users and outfitters, bank anglers have always had a presence in the Alberton Gorge, especially downstream from Cyr Bridge on the south side of the river, the Triple Bridges area, and near the mouth of Fish Creek. (Please refer to the *Map 2* and *Map 3* below, which show these locations and others referred to in this document.) Trespass on private property was not a big issue, years ago and local anglers knew where to access the Gorge shorelines. Little commercial whitewater or fishing use occurred in the Gorge before 1990.

When popular, privately owned access sites became too small or closed to public use, FWP took a more active role in acquiring and developing the Cyr and Tarkio Fishing Access Sites (FASs) in the late 1980's and early 1990's. When these new sites became available to the public, long-time river users saw an increase in the number of bank anglers. No hard use data is available before 1995, when the first Creel Survey was done by Missoula FWP, and Parks Division FAS use surveys followed in 1996, 1998 and 1999. Subsequent to the development at these sites, use proportions have changed. Commercial and private whitewater rafting use has increased significantly and disproportionately to the increase in anglers over the last 8-10 years.

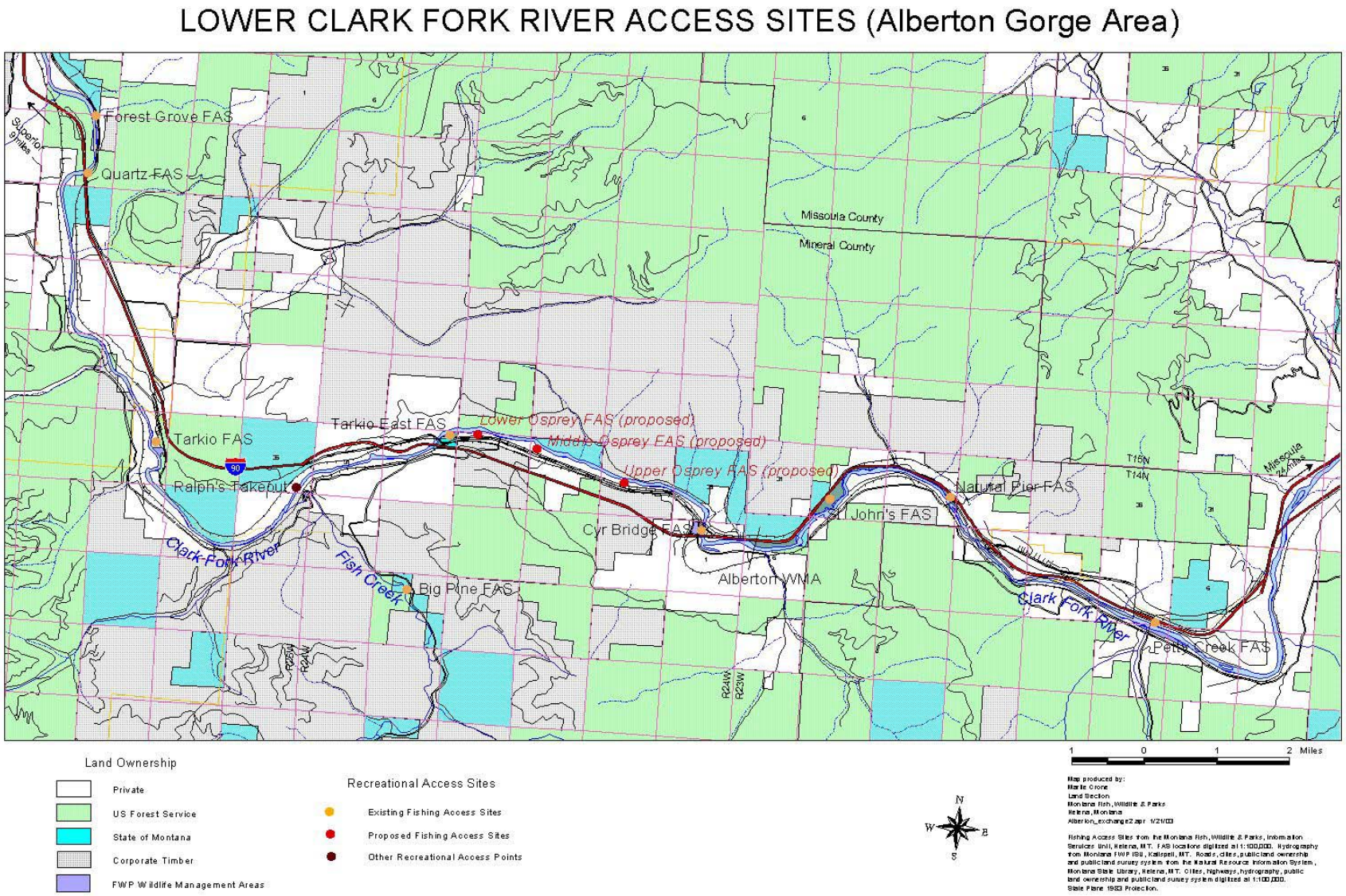
FWP makes payments in lieu of taxes to counties in which they own property such as fishing access sites. Portions of the Alberton Gorge River Corridor proposed as fishing access sites total nearly 57 acres. Estimated payments in lieu of taxes to Mineral County for these new FAS will roughly equal $6,578 (urban tract assessment). The remainder of the Alberton Gorge River Corridor will be considered state park recreation lands, which are exempt from PILT.

Montana state codes prevent payment of taxes in counties in which FWP owns less than 100 acres. The acquisition of the Gorge (about 305) by FWP, however, will allow Mineral County the ability to charge taxes on the remaining qualifying fishing access sites in Mineral County, which are now exempt because total FWP ownership is less than 100 acres. The combined estimated taxes of Cyr, Tarkio, Forest Grove and Big Eddy Fishing Access Sites will provide an additional $5,296 in PILT revenue to Mineral County annually. Other fishing access sites managed by FWP in Mineral County are leased from other agencies, which are responsible for making tax payments. Please refer to the discussion under *Tax Revenue Evaluation in Mineral County* section and *Table 3*, below, for more details.

MAP 2. Alberton Gorge River Corridor



MAP 3. Lower Clark Fork River Access Sites (Alberton Gorge Area)



Wallop-Breaux Funds

FWP is transferring two tracts (Park and Tizer Lakes) to the U.S. which are encumbered with Federal Aid in Sport Fish Restoration (Wallop-Breaux) funds; thus, equal fair market and sport fish angling access must be exchanged. Portions of the south bank of the Alberton Gorge River Corridor, between Cyr Bridge and Triple Bridges, will be developed into three primitive fishing access sites and encumbered with Wallop-Breaux funds.

The Gorge contains prime fish habitat and angler opportunities. A FWP 1995 creel census of the Clark Fork River between Rock Creek and the Flathead River gives a good picture of the angler's experience in the Gorge. Catch rates for the Gorge area (including Cyr FAS to the Triple Bridges) were 0.86 fish per hour. Catch rates were not significantly different between floating and walking anglers. This is primarily a rainbow trout fishery (51%), with mountain whitefish (29%) and westslope cutthroat trout (18%) readily available, as well. A few brown trout and bull trout are present, but no bull trout were reported in the 1995 creel survey. The Clark Fork River section downstream of Missoula to the Flathead River junction was the number one used section in FWP Region 2 based on the 1993 Statewide Angling Pressure Estimates and second in use according to the 1997 Estimates. Overcrowding, however, was not considered a problem in the 1995 creel survey. Montana residents accounted for 60% of the anglers surveyed. *Both walking and floating anglers (16%) expressed a need for more access sites.*

These three proposed fishing access sites target prime fish habitat in areas of low gradient, deep water, and complex structure. These sites will remain primitive with only gravel parking and vault toilets provided. Existing overgrown trails to the river illustrate pre-existing use and will be slightly improved to allow foot traffic. Anglers will hike approximately 500 feet to the river's edge; thus it is anticipated that boaters will not frequently launch at these areas due to the steep terrain and distance to the water. The intent of the three proposed sites is to provide public river access for bank anglers and supply off-highway parking for them. Anglers are able to walk the banks for hundreds of yards up or down stream, without running into insurmountable cliffs, even in variable water conditions.

The three proposed fishing access sites (Upper, Middle, and Lower Osprey Fishing Access Sites) are identified on *Map 2*: *Alberton Gorge River Corridor*. Estimated market value of Park and Tizer are very close to the estimated values of the new access sites. These three parcels total approximately 57 acres. It is estimated that these new sites will receive approximately 600 more angling days than do Park and Tizer (238 acres total), although the acreage of the new sites is much smaller. Tizer Lake is inaccessible to many people due to a six-mile long, extremely rough road leading to the site. Access to the new sites along the Gorge is easy via old Highway 10 and their proximity to Superior, Alberton, St. Regis, Missoula and surrounding communities.

Upper, Middle and Lower Osprey Fishing Access Sites are proposed as primitive in nature, with minimal development completed in the next five years to deter environmental degradation by indiscriminate use. These sites will allow day use only. Future development is proposed to include:

- slight improvements to the trails leading to the river (approximately 500 feet from the parking area to the shoreline at each site),
- one latrine per site,
- signs to identify the sites and regulate use,
- gravel entry roads (approximately 150 feet long by 20 wide at each site), and
- gravel parking areas to accommodate approximately six, thirteen, and eight vehicles respectively at the Upper, Middle, and Lower fishing access sites.

A FWP caretaker would clean and maintain the sites on a regular basis, probably twice or more a week, more often if needed.

Operations and maintenance of the existing sites within the Gorge area (St. Johns to Forest Grove) and the three new fishing access sites is expected to come from a new project account comprised of commercial use fees, parks funds and fishing access site license dollars. It is the intent of FWP to blend funding in proportion to the types of uses that are occurring at the specific sites. For example, Cyr and Tarkio receive a high proportion of recreational use, compared to the three new fishing access sites, which are expected to receive about 90% angling use.

Land and Water Conservation Fund

Frank Lake FAS (90.40 acres) was purchased in 1980 using Land and Water Conservation Funds (LWCF), and FWP has identified it as a disposal property. It is necessary to find replacement property with equal fair market value as established by a State-approved appraisal (prepared in accordance with uniform Federal appraisal standards) and equal recreational usefulness.

In 2000, FWP conducted a user survey in which it was estimated that 30,000 people used the Alberton Gorge for various types of recreation. FWP has assumed primary recreation management responsibilities for the river corridor and has full management responsibility at the primary put-in and take-out points for the Gorge. In addition, FWP is willing to take on the additional management of the entire corridor as proposed by this land exchange. Recreational use is expected to increase in the future, not necessarily because the corridor will be under public ownership, but because:

a) the Western States are gaining popularity in the nation for vacations and high quality living areas;
b) Montana is promoting itself more and more in the tourism industry;
c) outdoor recreation in general, and specifically white-water rafting is becoming more popular;
d) people are spreading the word about the Gorge's recreational opportunities.

Approximately 49 acres, around Ralph's Takeout, has been identified within the Gorge to be encumbered with LWCF funds and to ensure future recreational opportunities in this reach of the Gorge. Ralph's Takeout area is heavily used by recreationists accessing the river, especially to kayak. The Missoula Whitewater Association currently manages the site for NorthWestern Energy. Upon acquisition, FWP would assume management and maintenance responsibilities, which could include a new latrine, trail maintenance, and possibly some road improvements.

Property Description

River Network proposes to purchase the Alberton Gorge tract as described below from NorthWestern Energy and subsequently deed all or part of the tract to FWP, includes 22 tracts of land along the Clark Fork River between the towns of Alberton and Tarkio. (Legal description below from the appraisal *Alberton Gorge for River Network*, by Aune Renaud-Wilkinson, July 10, 1998.)

Township 15 North, Ranges 25 West, Principal Meridian, Montana
Section 36: A portion of Lot 3
Township 15 North, Ranges 24 West, Principal Meridian, Montana
Section 31: Portions of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 SE¼NW¼, N½NE¼, E½NW¼
Section 32: Portions of Lots 1, 5, 6 and 7
Section 33: Portions of Lots 1, 2, 3, and 4
Section 34: Portions of Lots 1, 2, 3, 4, 5, 6, 7, and 8
Section 35: Portions of Lots 2, 3, 4 and 5
Section 36: Portions of Lots 1, 2, 3, 4 and 5

Mineral County, Montana
Total acreage = approximately 320 acres

Please refer to the *Map 2: Alberton Gorge River Corridor*, above.

Many of the parcels are defined by the river and/or the Milwaukee Railroad line; therefore, many of the current parcels are irregular in shape and have no legal access. Primary access to the individual parcels are questionable; however, secondary access to the entire corridor is excellent due to Interstate 90 and State Highway 10 that runs parallel to the river.

Approximately one third of the land owned by NorthWestern Energy is steep riverbanks 100-300 feet above the river. The remaining two-thirds of the exchange property is gently sloping, timbered valley terrace above the river, with some rangeland available. The deeply incised gorge is defined by rocky banks or forested banks with few riparian or wetland zones. No improvements have been made to the Alberton tract other than some boundary fencing which is unreliable.

The property can be described as five distinct categories of property, with each representing assemblages of existing legal parcels.

The central tract consists of 10 parcels totaling about 150 acres. This tract is a four-mile-long strip of land located along the south shore of the Clark Fork River in the central part of Alberton Gorge. The tract varies in width from about 50 to 250 yards, as it extends south from the river bank, up the forested canyon walls and across the upland meadows to reach the paved frontage road that forms its southern border. Overall, this tract has good access from the frontage road, high amenity values including river views and about 115 acres of upland meadows and forest with level topography.

The northwestern tract consists of four legal parcels, totaling about 61 acres north of the river at the west end of Alberton Gorge. This tract, characterized by relatively open timber cover, is about half level ground and half slopes that descend moderately to steeply to the river.

The southwestern tract consists of four legal parcels, totaling about 56 acres. This tract borders the south shore of the Clark Fork for about two miles, but is separated from the frontage road in this area by the active railroad line (Montana Rail Link) and has no legal access for development purposes.

Two adjacent timbered parcels, totaling about 42 acres, lie south of the frontage road in the central portion of the Alberton Gorge property. These parcels have no river frontage, and are several hundred yards south of the Clark Fork.

Two parcels, totaling about 19 acres north of the Clark Fork, are long, narrow and generally rocky shoreline parcels, without legal road access or development potential. These parcels border land owned by the Montana Department of Natural Resources and Conservation (DNRC); River Network proposes to retain these two parcels for a future exchange with this agency.

Description of parcels River Network would retain (19.45 acres)

River Network would reserve the right to retain two parcels within the Alberton Gorge to allow a future riverfront property exchange with DNRC. The parcels proposed for River Network to retain are narrow strips between the Clark Fork River and existing DNRC tracts. The parcels are identified in yellow on the preceding *Map 2. Alberton Gorge Proposed Land Exchange* and on page 22 of the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

<u>Parcel 2a</u>

This parcel is on the north side of the Clark Fork River about ½ mile downstream from Cyr Bridge FAS. It has no legal access and is very steep.

Township 15 North, Range 24 West;

Section 36: Government Lots 1 and 2.

Total Acreage = 8.43 acres

Parcel 11a

This parcel is also on the north side of the river, but is about one and a half miles downstream from Cyr Bridge FAS. This parcel is extremely steep and cliff-like on the western half and appears to have no legal access.

Township 15 North, Range 24 West;

Section 34: Government Lots 1, 2, 3, and 4.

Total Acreage = 11.02 acres

Description of land proposed to be encumbered by LWCF (49 acres)

Ralph's Takeout

This recreation site is on the north west side of the Clark Fork River about ¼ mile upstream of the mouth of Fish Creek. Access is from old Highway 10 about 3 miles west of existing Tarkio East FAS. The parcels to be encumbered are identified as 17a, 18a, and 19a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 25 West;

Section 31: Government Lots 5 and 6 and the old railroad right-of-way;

Section 36: Government Lots 1 and 2 and the old railroad right-of-way.

Total Acreage = 49 acres

Description of the proposed fishing access sites (56.69 acres total)

Upper Osprey FAS

The first proposed new site is approximately one mile downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 3a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;

Section 35: Portion of Government Lots 3, 4, 5.

Total Acreage = 17.29 acres

Middle Osprey FAS

The second proposed new site is approximately three miles downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 10a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson. This parcel is proposed to be transferred from River Network to the FS to hold until Park Lake dam improvements are completed, at which time Middle Osprey FAS would transfer to FWP, Park Lake would transfer to the FS.

Township 15 North, Range 24 West;

Section 34: Government Lot 4 and old railroad right-of-way.

Total Acreage = 15.39 acres

Lower Osprey FAS

The third proposed new site is approximately 4 miles downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 13a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;

Section 33: Government Lots 3, 4 and old railroad right-of-way.

Total Acreage = 24 acres

Please refer to the following pages for site plan sketches of the proposed fishing access sites

FIGURE 2. Upper Osprey Site Plan Sketch

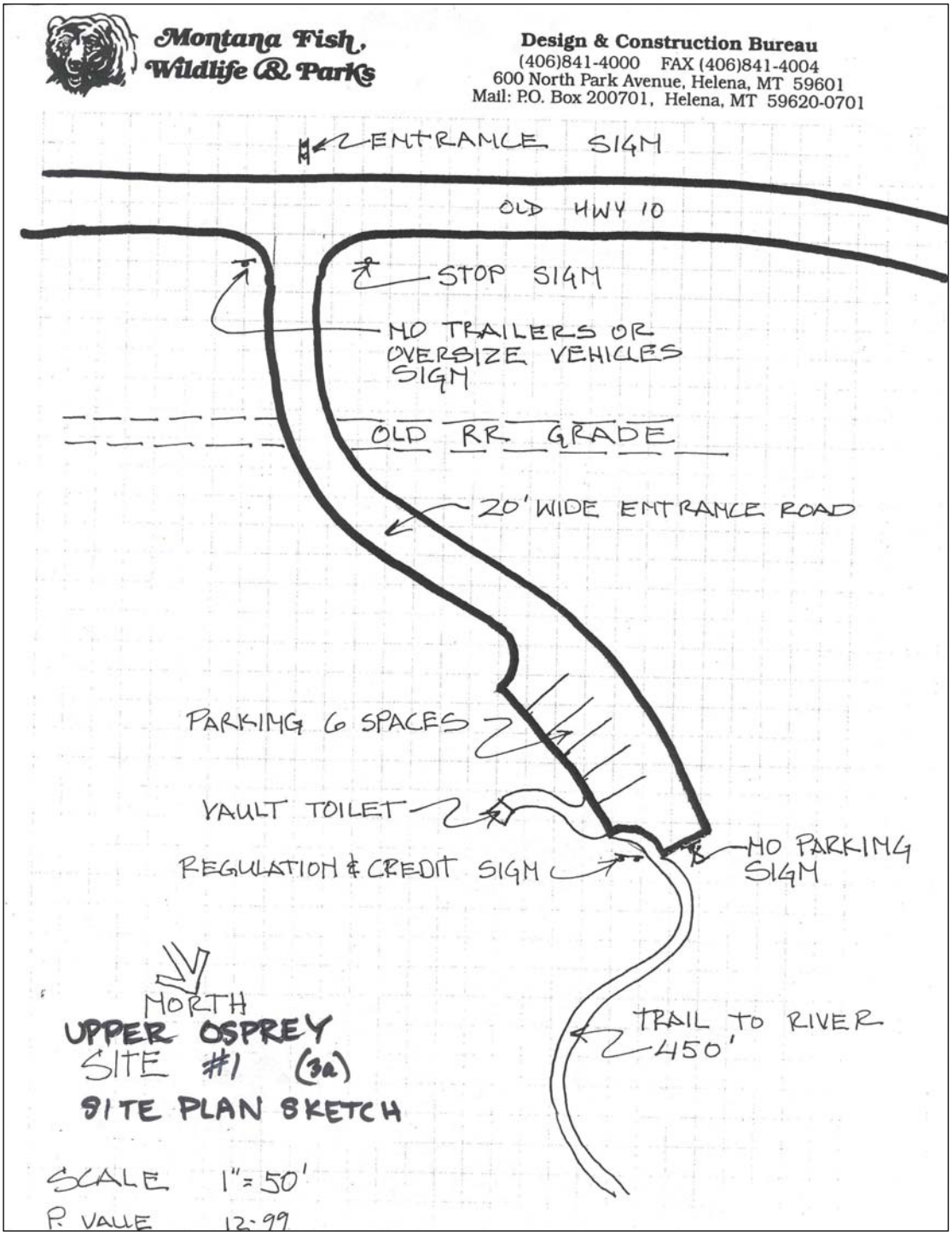


FIGURE 3: Middle Osprey Site Plan Sketch

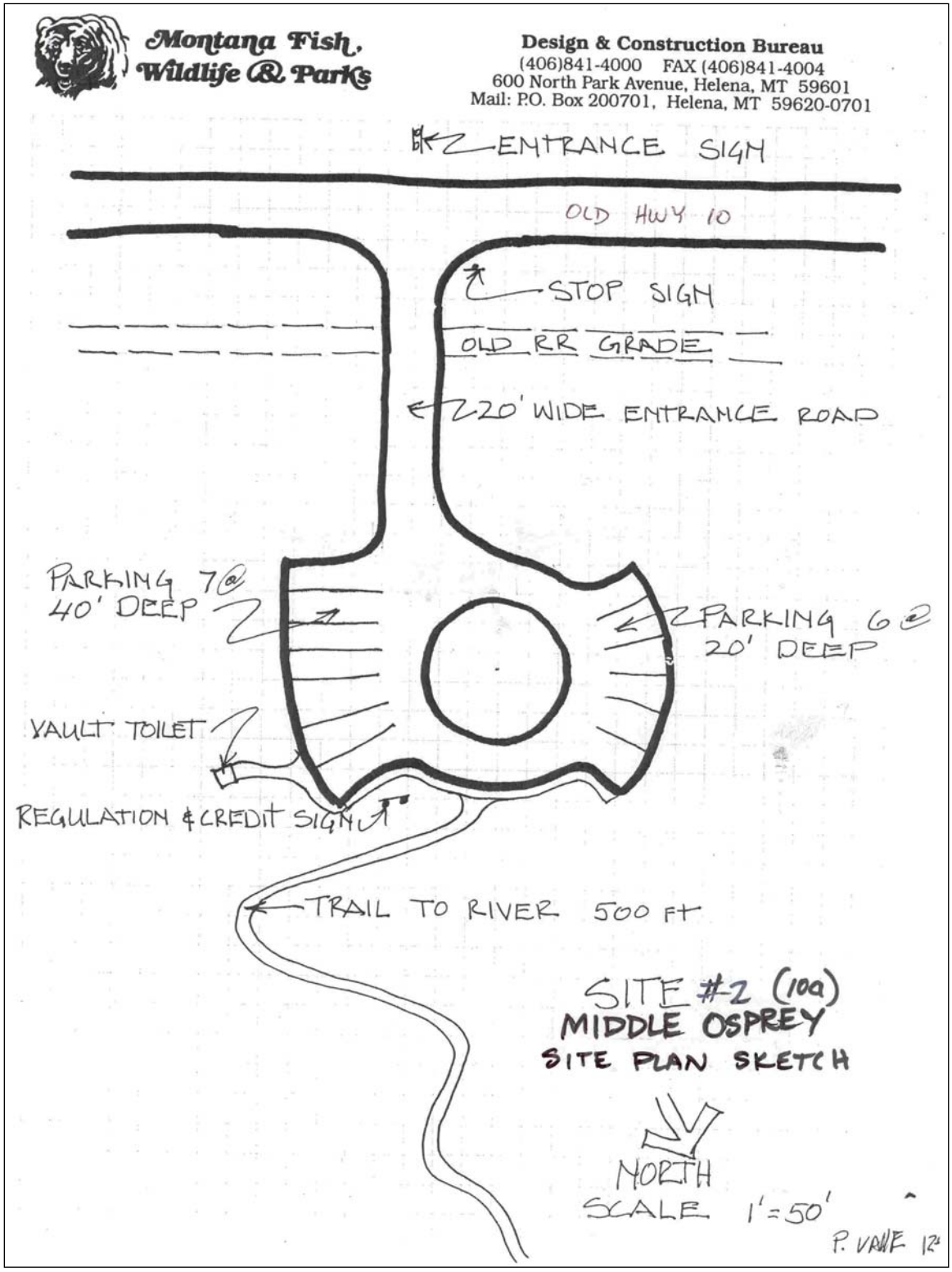
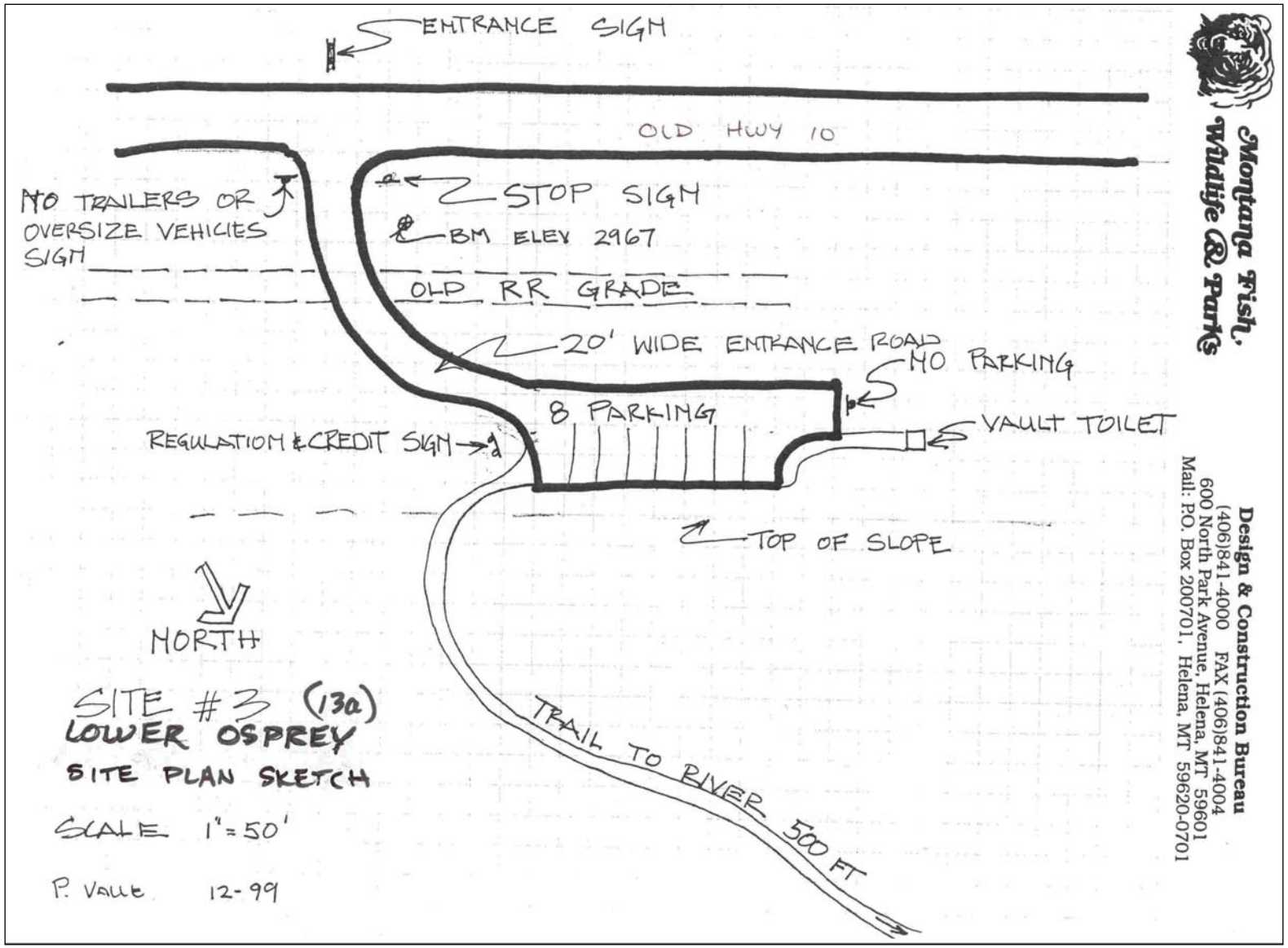


FIGURE 4. Lower Osprey Site Plan Sketch



ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

FWP acquisition of the Alberton Gorge tract will result in three minor capital improvements to the property at this time. River put-in and take-out areas at Cyr Bridge and Tarkio FASs are already established and seem to adequately accommodate current recreational use. Angler access, however, is less than adequate, as indicated by the FWP 1995 Creel Survey, in which participants commented about wanting more river access. Gravel entry roads and small gravel parking areas, improvements to existing foot trails leading to the river's edge, and a latrine at each site will provide access for bank anglers at Upper Osprey, Middle Osprey and Lower Osprey Fishing Access Sites.

In addition, FWP proposes to manage the Ralph Yule Takeout site, which is currently managed by the Missoula Whitewater Association under agreement with NorthWestern Energy. This site is a popular walk-in raft and kayak-launching site with primitive camping and picnicking also available. This location is one of few on the north side of the river. FWP is not currently proposing to upgrade this site, other than making trail improvements to the river for public safety, signing and some property boundary delineations using fencing or signs.

This construction for primitive access will cause minor disruption, displacement, compaction and over-covering of soil, which will reduce productivity on less than half an acre at each site. No changes to the soil stability are anticipated. The entry roads will need to cross over the old Milwaukee RR right-of-way; however, the entry road will be at the same level or fill added to preserve the physical features of the RR bed. Siltation, deposition, or erosion patterns will not be significantly altered. Roads and parking areas are on nearly level bench lands about 500 feet above the Clark Fork River. FWP has developed and is the mentor agency on Best Management Practices (State Joint Resolution #3) and road construction and grading procedures will be designed to reduce/eliminate, non-point source pollution (personal communication with Ken Phillips, FWP Construction Section Supervisor by Sue Dalbey, February 12, 2001). These specific engineering details will be included in the construction contract for the proposed fishing access sites. Native grass seed will be planted in disturbed areas to reduce potential erosion caused by removing vegetation during construction. Best Management Practices adopted by FWP include adequate site control to limit vehicles to areas that will not impact the area. These material sources and details will also be included prior to constriction. No actions are envisioned which would expose people to ground failures such as landslides or other natural hazards.

Air

The minor capital projects planned will slightly and temporarily alter ambient air quality due to dust created by construction. Localized odors may be produced in the vault latrines, however, proper venting and regular cleaning by the area FWP caretaker will reduce these effects. Area climate will not be altered, nor will there be adverse effects on

vegetation due this temporary increase in dust. State or federal air quality regulations will not be violated because of the proposed land exchange and proposed FAS development.

Water and Flood Plains

The Clark Fork River is the Alberton Gorge's principal interest for all recreational users whether they are watching wildlife, angling, or rafting. FWP is responsible for the fisheries, and therefore, water quality is of primary concern. Much of the recreational use here is by commercial floaters who have little impact on the water quality and help patrol themselves to maintain the highest environmental quality and also sustain their business interests.

Surface water quality and quantities will not be altered from temperature changes, dissolved oxygen or turbidity due to the proposed action. In addition, water rights/uses will remain similar to their present use; therefore, other water users should not be affected by the change in property ownership. Changes in drainage patterns, water discharges, and flood water courses will not occur. Risks of contamination of surface water and risks to people or property due to water related hazards will not increase. Construction proposed at the FASs is about 400 feet from the shoreline. FWP standards require silt fences during construction to limit potential of silt from entering the river.

Though the entire narrow corridor immediately adjacent to the river is within the 100-year **flood plain** (approximately 160 acres), no capital projects are anticipated which would change the flood plain levels or alter flows. The trails leading to/from the new fishing access site parking areas to the river will be minimally improved and will not significantly impact the flood plain or passage of high water events. Water bars or similar strategies will be installed if necessary to reduce drainage down the trail path. Flood plains were estimated from the U.S. Department of Housing and Urban Development, Federal Insurance Administration; Flood Hazard Boundary Map: Mineral County, MT, Unincorporated Area Page 13 and 14 of 19; Community-Panel No. 300159 0013A and -14A, effective date February 14, 1978, provided by Karl Christians, DNRC, Flood Plain Management Section Supervisor.

Vegetation, Wetlands, Prime & Unique Farmlands

Vegetative abundance will be slightly reduced when the fishing access site entry roads and parking areas are installed. Overall, the three fishing access sites total approximately 57 acres; construction to provide off-highway parking and access to the river will impact approximately a total of 1½ acres of vegetation according to initial plans by FWP landscape architect, Paul Valle (December 1999). Few, if any, trees will be removed to complete the proposed construction.

The federally listed (threatened) plants and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*) is found west of the Continental Divide, though a search by the Montana Natural Heritage Program did not reveal these species near the Gorge tract. No cases of this species have been found in the Lolo National Forest, but would most likely be found in the Seeley Ranger District in vernal ponds (Darlene Lavelle, Lolo NF Botanist, TES Plant Biological Evaluation for the Alberton

Gorge Land Exchange June 30, 1999). Ute Ladies'-tresses (*Spiranthes diluvialis*) is in river meander wetlands primarily found in Jefferson County. Spalding's Catchfly (*Silene spaldingii*) is under the threatened status, however, this species is found in the Tobacco Valley and the Upper Flathead River drainage (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). This species has not been recorded in the Alberton Gorge area and will not be impacted by the proposed exchange based on the habitat necessary, and which the Gorge is lacking.

The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Gallatin County. It is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of the Hebgen Cabin tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.).

Noxious weeds are an increasing problem on public lands. FWP currently combats weeds using the Regional Weed Management Plan, which takes an integrated approach (mechanical, biological and chemical) to control noxious weeds on FWP property. The Gorge properties will be incorporated into the plan. Following the plan revisions, the Gorge would be broken into different management zones and would utilize the three methods of combating weeds. FWP ownership of this corridor may slow the progression of weeds, since it will be actively treated under the Regional Weed Management Plan. It is not known if NorthWestern Energy actively fought weeds on this dormant property. Weed control measures will be performed by a contracted private professional company or FWP trained employees.

Areas disturbed during the construction of the proposed FAS facilities will be prone to the establishment of noxious weeds. Grass seed will be planted at the conclusion of the project to re-vegetate the site and to impede the growth of noxious weed species. Weed control efforts will target these areas until adequate ground cover has returned, then monitored on a regular basis.

Sue Dalbey, consultant, described the proposed land acquisition locations over the telephone (October 12, 1999) to Dave Brink, Administrator for the Mineral County Conservation District, who stated that there are **no prime or unique farmlands** that will be affected by this land transfer. Brink stated that most of the prime agricultural land is outside of the Alberton Gorge Corridor. About half an acre of potential (non-prime) agricultural land will be used to provide an entry road and parking area at the Middle Osprey Fishing Access site. This area has not been farmed in many years, and is infested with knapweed.

Any **wetlands** occurring on the property will come under state protection and compliance with state laws, affording more protection than under current or future potential private ownership. Small wetlands may occur near the river, but only three specific areas were evaluated. The proposed new fishing access sites were viewed by FWP Wildlife Biologist Bob Henderson who found no jurisdictional wetlands in these areas. Entry

roads, parking areas and latrines proposed at the new fishing access sites would be approximately 400 feet above and beyond the flood plain. Much of the property is steeply sloped and rocky. Public ownership of the Gorge will ensure preservation of these areas.

Fish & Wildlife

This stretch of the Clark Fork River sustains a large fishery of rainbow trout (51%), mountain whitefish (29%) and westslope cutthroats (18%). Few brown trout and an occassional bull trout are found by anglers. Catch rates for this section of the Clark Fork were 0.84 fish/hour, according to the 1995 creel survey. This 11-mile reach of the river has the lowest angler pressure in the137-mile river miles surveyed by FWP in 1995. The Gorge is difficult for fisheries biologists to survey due to its depth and water velocities; therefore, no data is available for this specific reach. Populations are estimated based on information known above and below the Gorge.

Angler opportunities will increase with the proposal of FWP acquiring the Gorge and improving bank angler's access to the river. The three sites proposed to be developed on an ecosystem approach will provide off-highway parking, improve existing foot paths to the river, and latrines. The fish habitat in the identified areas is very good, providing large boulder-banks, eddies, and deep pools for hundreds of yards up and downstream of the existing rough trails. Sixteen percent of the anglers surveyed in 1995 indicated that they wanted more river access.

Ladd Knotek, area FWP fisheries biologist, expressed that the acquisition of the Gorge will have a positive impact on angler access to the Clark Fork River. He indicated that there will be no significant impacts to the river fish populations, and no fish species of special concern, threatened or endangered species will be negatively impacted in this section of the river. Bull trout, a federally threatened species, are present in this reach at very low densities. Though the number of anglers is expected to increase, angling impacts to the fish population are considered negligible. Bull trout are rarely caught and current regulations require the release of bull trout.

Knotek consulted with Kate Walker, Wildlife Biologist for the U.S. Fish and Wildlife Service (December, 1999) to confirm future procedures and compliance regarding the acquisition of the Gorge and the Endangered Species Act. FWP has a Section 9 permit, which covers incidental take associated with fishing and fishing regulations, as well as a Section 6 permit, which covers other activities such as sampling and restoration projects. If future development at the new fishing access sites were to impact the bull trout in any way, these conditions would be included as part of FWP's Section 6 list submitted annually.

The FWP Commission adopted regulations that require the release of Westslope cutthroat trout. If cutthroat are listed under the Endangered Species Act in the future, Sections 9 and 6, above, would apply to this species, as well.

White sturgeon and pallid sturgeon do not inhabit the Clark Fork River. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River farther east in Montana. The arctic grayling is not found in this area.

FWP is required by law to maintain productive fisheries and has qualified biologists to carry out this mission. River use is expected to increase, but few impacts are expected to the water quality or fish and wildlife habitat. Deterioration of critical fish and wildlife habitat is more likely if the proposed corridor is sold to private landowners interested in developing home sites or commercial sites. FWP does not foresee any development along the corridor, which may temporarily or permanently impact fisheries habitat. The areas proposed for construction are about 400 feet above the river on nearly level bench land; therefore, water quality impacts are not likely from such things as erosion at the new FAS construction sites.

Knotek stressed to Sue Dalbey (written communication, June 16, 2000), that if development were to occur at the mouth of Fish Creek area, it would potentially have impacts on bull trout and other fluvial fishes. This area is used for bull trout spawning and is a popular stop for river rafters. The proposed exchange does not include the acquisition of property immediately adjacent to the creek mouth, nor development of a FAS near the creek.

Increased recreational use may slightly impact the abundance of game animals, bird species and nongame species. Animal movements and migrations should not be impacted negatively. FWP acquisition of this Gorge corridor will link other large public blocks of DNRC and corporate lands for possible use by wide-ranging species (linkage zones). The majority of rafting activity is limited to the river except during lunch breaks when visitors reach shore and disperse. Most float trips are day trips, allowing for few impediments to the river at night when many animals are most active. Overnight camping is legal below high water lines; however, practical sites are limited due to the steep terrain on each side of the Gorge.

The tract is used to a small degree by summer black bears and as winter range by white-tailed deer, and elk. Occasionally, a moose may use the area. Ospreys are seasonally common, river otters can be seen, and a bald eagle nest has been sighted upstream from Cyr Bridge. Gray wolves have been recorded crossing Interstate 90 in this area. Conversation with Biologist Bob Henderson to Sue Dalbey (August 9, 1999) revealed that the Gorge tract does not provide a very high food value for any particular species, and this land exchange is not expected to have a large impact on big game animals since overall use of the Gorge will remain similar. Most of the river traffic is in the day-use in the Spring and Summer; therefore, the human population does not significantly interfere with animals using the area for winter range. Acquisition of the Alberton Gorge will also allow the connection of several public land parcels north and south of the river. This increases ability of animals using these corridors for north-south migration between the Ninemile and Bitterroot Divides.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);

Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);

Proposed Threatened - mountain plover;

Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);

Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

The Endangered Species Coordinator for FWP, Arnold Dood, also reviewed the properties involved and found the following species use the areas involved in the Alberton Gorge Land Exchange: peregrine falcon, bald eagle, gray wolf and bull trout.

The U.S. Fish and Wildlife Service states in their March 2000 list of Montana Threatened and Endangered Species (www.r6.fws.gov/mt4.html) that "the American peregrine falcon has recovered following restrictions on organochlorine pesticides and successful management activities; therefore, it was removed from the Federal List of Endangered and Threatened Wildlife on August 25, 1999." In addition, Sue Dalbey consulted with Dennis Flath, FWP Nongame Wildlife Coordinator, on May 15, 2000, who indicated that peregrines are most impacted when development occurs above them on cliff edges. The proposed FAS developments are in forested areas away from the edges of the river banks or any cliffs, therefore, peregrine falcons that may inhabit the area are not expected to be impacted by the exchange.

No new species introductions are planned by FWP. Less than 10 years ago, a bighorn sheep introduction was proposed for the area, but denied due to land owner objections.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed that none of the above threatened or endangered animals, or candidates for listing, are found in the Alberton Gorge tract. As noted above, however, Wildlife Biologist Bob Henderson recognizes the use of the area by gray wolves and bald eagles. Henderson does not foresee significant negative impacts to this species due to the proposed land exchange.

Human Environment

Noise & Electrical Effects

The use of heavy equipment for construction of the proposed fishing access site improvements is unavoidable, and will result in some localized, temporary and minor increases in noise. FWP is exploring options to limit the number of people floating the Gorge, which would lessen the impacts of noise from other floaters. Electrostatic or eletromagnetic changes will not occur and no interference with radio or television reception should occur from the proposed action.

Land Use

If NorthWestern Energy was to sell the Alberton Gorge River Corridor to private parties for residential development, it is possible that commercial rafters may see a decline in clients, due to the loss of aesthetic uniqueness and sense of wilderness when floating on the river. It is unknown what property values and tax revenues may contribute to Mineral County if this was developed into residential tracts.

FWP ownership of the Alberton Gorge tract coincides with the present use of this area as a natural area having unusual scientific and educational importance. The ancient bedrock and steeply forested canyon walls offer students of geology and natural beauty, first-hand study.

If FWP acquires the Gorge as proposed, the agency will pay approximately $11,874 in payments in lieu of taxes to Mineral County (1999 figures). Residences currently near the Gorge area may see an increase in property values with the proposed protection of the corridor and availability of open space, protected wildlife habitat, and recreation opportunities.

FWP is monitoring use in the Gorge and may have to consider use limitations in the future to protect the environment and the aesthetics of the trip, and reduce conflicts between users. Details of how and what these limits may be would be discussed by managers, commercial outfitters, guides, recreation clubs, and the public. These measures may be necessary whether or not FWP acquires the land within the Gorge Corridor.

Risk & Health Hazards

The proposed action presents no increased risk of explosions or release of hazardous substances other than specific use of chemicals when implementing portions of the FWP Regional Weed Management Plan. When herbicides are used in the control of noxious weeds, signing will be posted at these areas. Human use of the corridor is usually localized at boat put-in and take-out areas.

FWP may need to develop a new emergency response plan or evacuation plan, and work with the local Search & Rescue and Mineral County to combine efforts with plans the agencies already have in effect.

No new human health hazards will be created. FWP will be in the position to reduce potential health hazards by having management responsibility for the entire Gorge corridor. If high visitation causes human waste to become a health problem or water quality issue, for example, a latrine may be installed at a heavily used site after the proper MEPA review process.

Community Impact

The human population using the Alberton Gorge is expected to increase simply because of the popularity of the area and growing awareness of improved angling success and white-water excitement. This growth is inevitable, regardless of who owns the corridor. However, permanent growth in the venues of home sites and industrial growth along the visible Gorge river front, can be avoided through the proposed land exchange.

The social structures of neighboring communities will not significantly change if FWP acquires the Alberton Gorge River Corridor. If the corridor were to be purchased by private entities that developed out-of-character residential tracts, the social structure of the area would change. According to County Planner, Wayne Marchwick, often private buyers of these types of tracts are from outside Mineral County and have different cultural, economic and social values (personal communication with Sue Dalbey, June 23, 2000).

The employment opportunities may expand slightly in the direction of tourism and related services. Some of this will be influenced by public ownership of the corridor; some will be stimulated simply by regional trends. The number of commercial companies providing rafting trips cannot increase due to a FWP Commission rule, which limits the number of outfitters to those who showed they historically used the Gorge before January 1, 1998. Currently, the total number of people served by these companies is not limited. Some type of restrictions limiting the total number of floaters per day may be implemented in the future. Private individuals wishing to traverse the Alberton Gorge are not limited, although large groups or organizations must register and obtain a Special Use Permit from FWP.

Neighboring communities may experience increased commercial activity since tourism and recreational opportunities in the Gorge corridor will be emphasized more by state travel agencies. Sales and services needs will likely increase if Gorge use increases, causing more job opportunities and profit in the local area. Some creative entrepreneur(s) may capitalize on opportunities afforded by this becoming a public corridor.

Traffic hazards and effects on existing transportation facilities could improve from dispersing use along the Gorge and the additional signing. Future capital projects initiated by FWP will improve gravel roads, parking areas, and latrines on acquired properties. The proposed new access site(s) are adjacent to the old highway on straight, highly visible sections; therefore, traffic flows and access to the sites should be adequate. Designated off-highway parking areas and identifying trails will provide safer river access for anglers. Movement patterns of people and goods seem adequate with current

visitation and seasonal FWP presence helps traffic flows at the take-out and put-in sites already administered by this agency.

Tax Revenue Estimates in Mineral County

Taxes – Alternative A: No Action

Title commitments for the Alberton Gorge properties indicate that NorthWestern Energy paid roughly $700 in 1998 taxes on the approximately 320 acres in the Alberton Gorge River Corridor proposed for exchange.

If the exchange is not completed, it is likely that the Alberton Gorge River Corridor will be purchased by multiple private parties and developed into residential tracts. County taxes would be assessed on these properties, however it is difficult to accurately estimate these costs until development plans are known. Taxes on the property alone would likely be similar to that charged FWP in *Table 3* below. Improvements to the property would increase the taxes due. In addition, more acres would be taxed under private ownership than in FWP ownership, due to exemption of certain lands used for recreation.

FWP makes no payments in lieu of property taxes (PILT) in Mineral County, due to MCA 87-01-603, which states that [tax] "payment may not be made to a county in which the department owns less than 100 acres…or [paid on] lands acquired and managed for the purposes of Title 23, chapter 1 [state parks]." Currently, FWP owns only 44.35 acres (Cyr, Tarkio, Forest Grove and Big Eddy Fishing Access Sites) in Mineral County. FWP paid fees of $5.98 in 1998 for fire protection at Tarkio FAS, and $10.98 in1999 for fire protection and the public safety fund at the Tarkio FAS and Big Eddy FAS. Other properties in the county, such as fishing access sites, are managed by FWP, but are leased from other agencies; therefore, FWP does not pay taxes on those properties.

If the Alberton Gorge Land Exchange is not implemented, FWP would pay a minimum in special fees to Mineral Count, but no payments in lieu of taxes would be made.

In addition, Tarkio Section 35 would continue under FS management, which suggests commercial thinning and under-burning, therefore this property will not greatly increase county revenue from FS Payments in Lieu of Taxes (PILT) or the 25% Fund.

Taxes – Alternative B: Proposed Exchange

If the land exchange is implemented, approximately 305 would be acquired by FWP from the Alberton Gorge River Corridor; thus, FWP would no longer be exempt from PILT in Mineral County under MCA 87-01-603. This would enable Mineral County to collect taxes on 44.35 acres of existing properties in the county, plus an additional 56.68 acres within the Alberton Gorge River Corridor on which county taxes can be assessed, totaling 101 acres. This acreage is comprised of the three new proposed fishing access sites within the Gorge. Please see the *Table 3*, below.

The remaining acreage in the Gorge will be acquired and managed for the purposes of Title 23, chapter 1, and considered recreational state park lands; consequently, it is exempt from PILT. The basis for this land use category on the remainder of the River

Corridor is because use on these parcels is primarily related to general recreation, rather than fishing or hunting.

It is estimated that new PILT revenue from FWP alone would result in roughly $11,874 paid to Mineral County. Approximately $6,578 in payments would be made on the properties involved in the Gorge exchange, and an additional $5,296 in new funds generated from existing fishing access sites, requiring payments in lieu of taxes under MCA 87-01-603 after the completed exchange.

TABLE 3. Estimated payments in lieu of taxes FWP would pay to Mineral County (1999 figures).

Tract/parcel	**Acres**	***assessment category***	***estimated market value***	***estimated tax payment***
Cyr FAS	9.89	urban	$80,000	$1,137
Upper Osprey FAS* *(proposed)*	17.29	urban	$138,000	$1,876
Middle Osprey FAS* *(proposed)*	15.39	urban	$153,900	$2,092
Lower Osprey FAS* *(proposed)*	24	urban	$192,000	$2,610
Tarkio FAS	8.88	urban	$71,000	$1,078
Forest Grove FAS	5.67	urban	$45,000	$701
Big Eddy FAS	19.91	urban	$175,000	$2,380
TOTALS	**101.03**		**$854,900**	**$11,874**

*Tracts in the Alberton Gorge Land Exchange; other tracts listed are existing FWP fishing access sites in Mineral County.

Mineral County could also expect tax revenue from private development of the Tarkio Section 35 if the exchange is completed. If the Tarkio Section 35 tract is developed with homesites, this could be an additional increase in tax base for the county. The calculation of private property taxes is dependent upon many variables; therefore, it is difficult to estimate the potential income that may be generated from this type of private development.

Public Services, Utilities

FWP will gain more responsibilities pertaining to law enforcement, road and recreational facilities maintenance, weed control, and solid waste disposal. These responsibilities parallel other FAS sites and management activities in Region 2 and across the state.

The Alberton Gorge tract contains only one semi-formal **road**, which is used to access Ralph's Takeout. This is a single width, primitive road that ends at a small picnic site above the Clark Fork River. The development of three new fishing access sites will include new 20 foot wide gravel entrance roads measuring approximately 130 feet, 140 feet, and 300 feet long from Highway 10 to the parking areas.

The creel survey conducted by FWP in 1995 indicates that the length of stay in the Clark Fork River corridor is related to the angler's residence. The lower river sections saw double the amount of use from non-residents than that from Montana residents and their average length of stay was longer than in other reaches of the river. River access in the Alberton Gorge section is limited due to private property ownership and the steep gorge terrain. Fishing access opportunities will be increased and improved within the Gorge, if the proposed exchange is implemented and fishing access sites are developed along the south banks. Thus, Mineral County may see some increase in length of stay from both resident and non-resident anglers.

Most of the recreational use occurring in the Alberton Gorge River Corridor does not require large energy sources supplied by industry. New facilities at the proposed fishing access sites will be primitive, requiring no utilities to maintain or operate them (sealed vault latrine, gravel road and parking areas). Latrines will be pumped by a private contractor twice or more each year, to maintain a healthy environment and safe facilities.

Projected Revenue

FWP currently collects three percent of all registered commercial outfitters' unadjusted gross income for the use of the Cyr and Tarkio fishing access sites within the Alberton Gorge. These sites are currently managed by FWP and currently there are about 29 outfitters registered. The number of outfitters cannot increase based on the *Alberton Gorge Commercial Use Rules* written under the umbrella of ARM Rule 12.8.211 (1) and (3). This commercial revenue to FWP was approximately $9,000 in 1998 and will be collected regardless of acquisition of the Gorge.

Large groups or organizations utilizing FWP sites within the Alberton Gorge are also required to register and obtain a Special Use Permit from FWP with fees based on the number of people in the group and number of days use.

Maintenance costs incurred by FWP will increase with the acquisition of more recreational land and development of three fishing access sites. FWP estimates that it will take about $30,000 to improve each of the new fishing access sites, including: grade and gravel small parking areas, install latrines, clear the existing foot trails to the river, and sign these new access sites. Annual maintenance of these sites will likely cost an additional $1,000 to cover transportation costs of the caretaker, labor, supplies, and materials. Existing noxious weeds in these areas will require extensive measures to contain and could necessitate several thousand dollars every 2-3 years to combat the weeds effectively. This would be a contracted effort that is guided by the FWP Region 2 Weed Management Plan.

Aesthetics & Recreation

The quality and quantity of recreational and tourism opportunities/settings will likely increase. Though the Clark Fork is not designated as a wild or scenic river, it does feel like one when floating down the impressive canyon and forced to run the narrow river rapids. These characteristics, combined with the easy accessibility by Interstate 90 or

State Highway 10, which run parallel to the river, but are unseen from within the Gorge, are part of the inescapable lure.

Angling opportunities are apparent from the 1995 Creel Survey conducted by FWP. The Gorge provides catch rates of 0.84 fish per hour. Private ownership of property along the river has greatly limited angler access to the river. State Highway 10 provides easy vehicular access to lands adjacent to the river and after one or two fishing access sites with parking are improved, it is anticipated that angling use will increase. Informal trails already exist across the private land, but the general public is not aware of it, nor encouraged to cross the NorthWestern Energy property due to fences at many places.

The abandoned railroad, which parallels the Gorge and some of the properties, may provide a multi-use trail between access points in the future.

Aesthetics is another of the primary reasons behind this land trade. If the properties along the Alberton Gorge are sold to private individuals, it is anticipated that the estimated 30,000 people that use the Gorge each summer (FWP Recreational Use of the Alberton Gorge survey, 2000) will lose the primitive "wilderness" viewshed and experience encountered when floating this section of the Clark Fork River.

FWP ownership of this corridor can preserve the scenic vistas and aesthetically fascinating sights along the river. The aesthetic character of this colonnade will continue as it has for thousands of years.

Victor Bjornberg of Travel Montana foresees the proposed land exchange as a positive and beneficial impact on Western Montana's tourism economy. The public ownership of the Gorge will provide long-term benefits for Montanans and non-residents. Please refer to his Tourism Report in **Appendix 2**.

Cultural & Historical Resources

If the Alberton Gorge River Corridor is sold to private developers, it is likely that potential cultural and historic sites will not be recorded or preserved.

If FWP acquires the Alberton Gorge River Corridor, potentially historical sites will be afforded greater cultural consideration under the state ownership through the Montana State Antiquities Act than its current or future potential private ownership.

Paul Valle, FWP Cultural Compliance Coordinator, confirmed that the acquisition of the Alberton Gorge by FWP from a private party is an undertaking under Section 106 of the National Historic Preservation Act. As FWP is proposing minor improvements (parking areas, signs, latrines, trail improvements) on the designated fishing access sites in the future, the undertaking must take into account the effects of any improvements to sites eligible or potentially eligible for listing on the National Register of Historic Places.

The three proposed fishing access sites were surveyed for cultural sites in Fall 2000 and a report was completed February 9, 2001 by a private contractor. FWP submitted this

report to the Montana State Historic Preservation Office (SHPO) February 12, 2001. The SHPO reviewed the report and concurred with FWP that no historic properties will be affected by this proposed land exchange and development of the three proposed fishing access sites. Please reference the SHPO concurrence in **Appendix 3**. FWP may identify the eligible Historic Railroad (24MF164) roadbed segments on the three FAS parcels with interpretive panels and development will fill over the Railroad roadbed whenever feasible to avoid direct effects to the roadbed.

The historic Mullan Road, built between 1858 and 1861 as the first wagon route through the northern Rocky Mountains, does run adjacent to portions of the Gorge tract that FWP would acquire. This section of the road is known as the Big Side Cut. According to the appraisal reports, a road provides the boundary edge on the north and most easterly parcel where the road comes close to the river. State Historical Preservation Office (SHPO) records indicate that this is part of the Mullan Road. River Network proposes to retain this narrow strip of land near Cyr Bridge for use in a future exchange with DNRC who owns adjacent lands to the north. Ultimate ownership by either state agency would provide cultural protection under the Montana State Antiquities Act.

Review of the SHPO files by Sue Dalbey in August, 1999, did not reveal any other portions of the Mullan Road that would be included in the proposed land trade. FWP has no intentions of influencing or impacting this historic landmark. The road is considered eligible for listing on the National Register of Historic Landmarks.

No physical changes are anticipated at this time that would affect unique cultural values or alter existing religious or sacred uses of a site.

The Confederated Salish and Kootenai Tribes, Tribal Historic Preservation Office, were notified of this exchange in November 1999, and no objections were received.

Evaluation of Mitigation or other Control Measures

The primary control measures that FWP anticipates in this land exchange are:

- the opportunity to provide more river access sites, particularly for bank anglers;
- the ability to provide access to the river in manners that protect the resources;
- noxious weed management;
- conservation of fish and wildlife habitat;
- conservation of a valuable recreational asset with high aesthetic worth.

LOWER TARKIO
TRACT B

LOWER TARKIO - TRACT B

Introduction

The Lower Tarkio tract in Section 34 is a parcel of land and right-of-way (ROW) allocation that was acquired by the Lolo National Forest in 1991 to insure access to the Clark Fork River in the Tarkio exit area. This ROW and parcels acquired here also provide access to the south portion of Tarkio Section 35.

This tract was identified for disposal based on the criteria listed in the Lolo February 1986 Plan Disposal Guidelines, which state: (1) dispose of isolated parcels that are uneconomical to manage, with no important resources or where further consolidation is not anticipated.

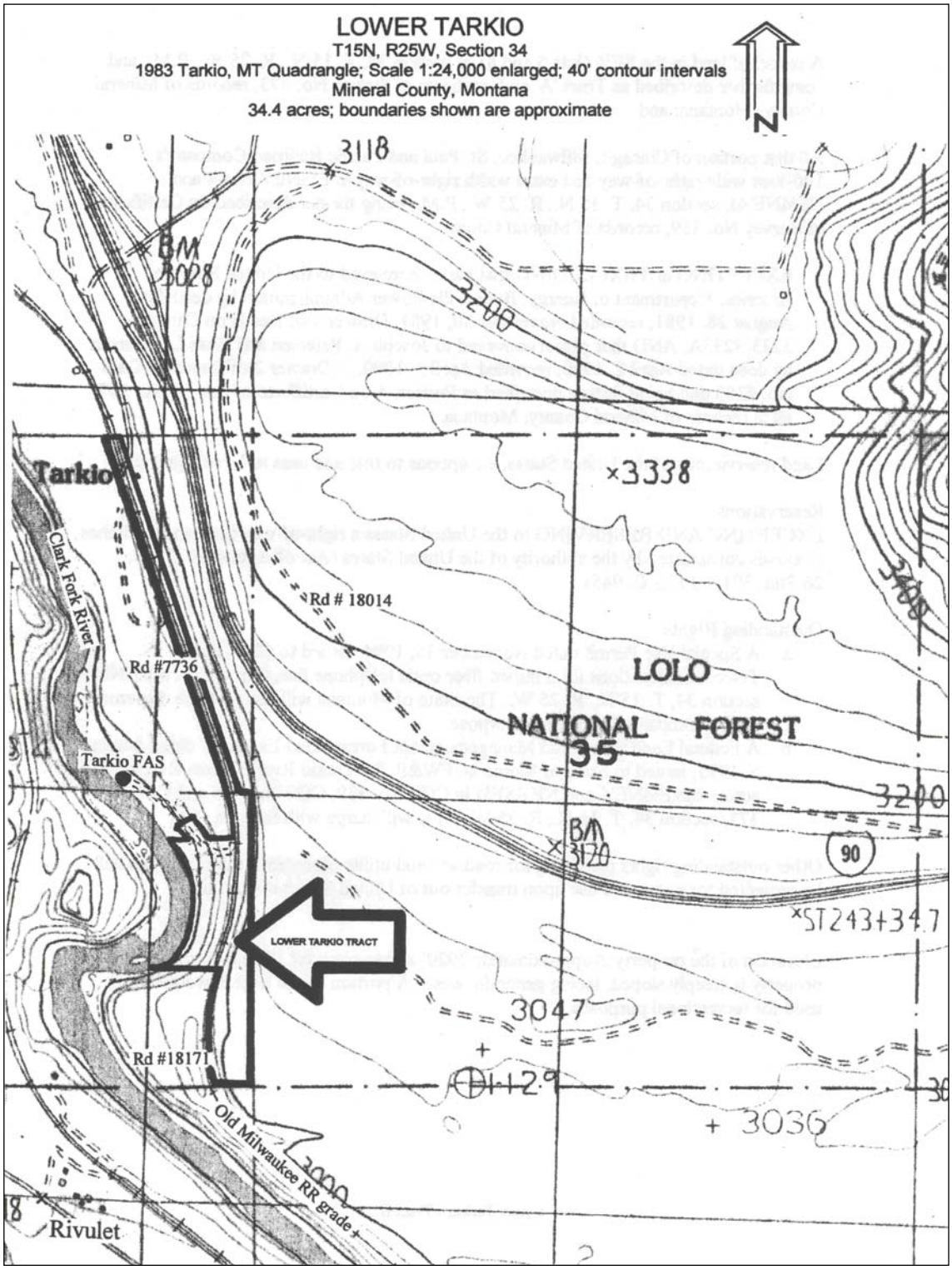
It is proposed that the FS transfer this tract to River Network to primarily provide access to Tarkio Section 35 (also proposed for acquisition by River Network) along the existing road and the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad. This EA assumes that River Network would convey this land to private entities to recover the purchase price of the Alberton Gorge; however, it should be noted that a future exchange with DNRC is also proposed for the future, which could return the Lower Tarkio tract and Tarkio Section 35 to public ownership (please refer to the Tarkio Section 35 section for more details of this potential future exchange).

FWP currently has a road easement through the tract to access Tarkio FAS; this easement would continue under River Network ownership to allow public access to the river at the FAS.

The appraisal of Tarkio Section 35 and Lower Tarkio tracts combined determined the highest and best use of these tracts was as rural homesite or recreational residence development with an interim use of timber production. Of the total 34.4 acres in the Lower Tarkio tract, 11.6 acres are encumbered with easements and road right-of-ways. In the FS appraiser's best judgment, this tract alone does not include building sites due to physical (topography) and legal restraints. There is not enough space between easements and outstanding rights to locate a residence on a developable grade (personal communication with Sue Dalbey, January 7, 2003). Development of the tract would be minimal; roads would be improved and perhaps added to access development in the south half of Tarkio Section 35 and some timber harvest may occur.

This tract was originally proposed to be transferred to FWP who owns adjoining land known as the Tarkio FAS. The current proposal of transferring this tract to River Network ensured access to Tarkio Section 35, which is a critical component to allow further development of that parcel.

MAP 4. Lower Tarkio



Property Description

The Lower Tarkio property is accessible from the Tarkio Interstate 90 off-ramp, south approximately one-quarter mile on a gravel road on the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way (ROW).

Township 15 North, Range 25 West, Section 34
Mineral County, Montana
Total acreage = 34.4 acres

Legal Description
Parcels of land, being located in the SE¼ (lot 5) of section 34, T. 15 N., R. 25 W., P.M., and being further described as Portion 'A' and Portion 'B' on Certificate of Survey No. 376, records of Mineral County, Montana; and a parcel of land in the SE¼ (lots 5 and 8) of section 34, T. 15 N., R. 25 W., P.M., and being further described as Tract 'A' on Certificate of Survey No. 373, records of Mineral County, Montana; and

All that portion of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's 100-foot wide right-of-way and extra width right-of-way in E½NE¼ (lot 4 and NE¼NE¼), section 34, T. 15 N., R. 25 W., P.M., being further described on Certificate of Survey No. 339, records of Mineral County;

EXCEPTING and EXCLUDING that parcel conveyed to the United States of America, Department of Energy, Bonneville Power Administration by deed date August 28, 1981, recorded November 30, 1981, Drawer 1 of Deeds on Card No. 3233-3233A, AND that parcel conveyed to Joseph A. Petersen and Rose L. Petersen by deed dated April 2, 1990, recorded April 3, 1990, in Drawer 2 of Deeds on Card No. 6303 and being further described as Portion A on Certificate of Survey No. 367, all in records of Mineral County, Montana.

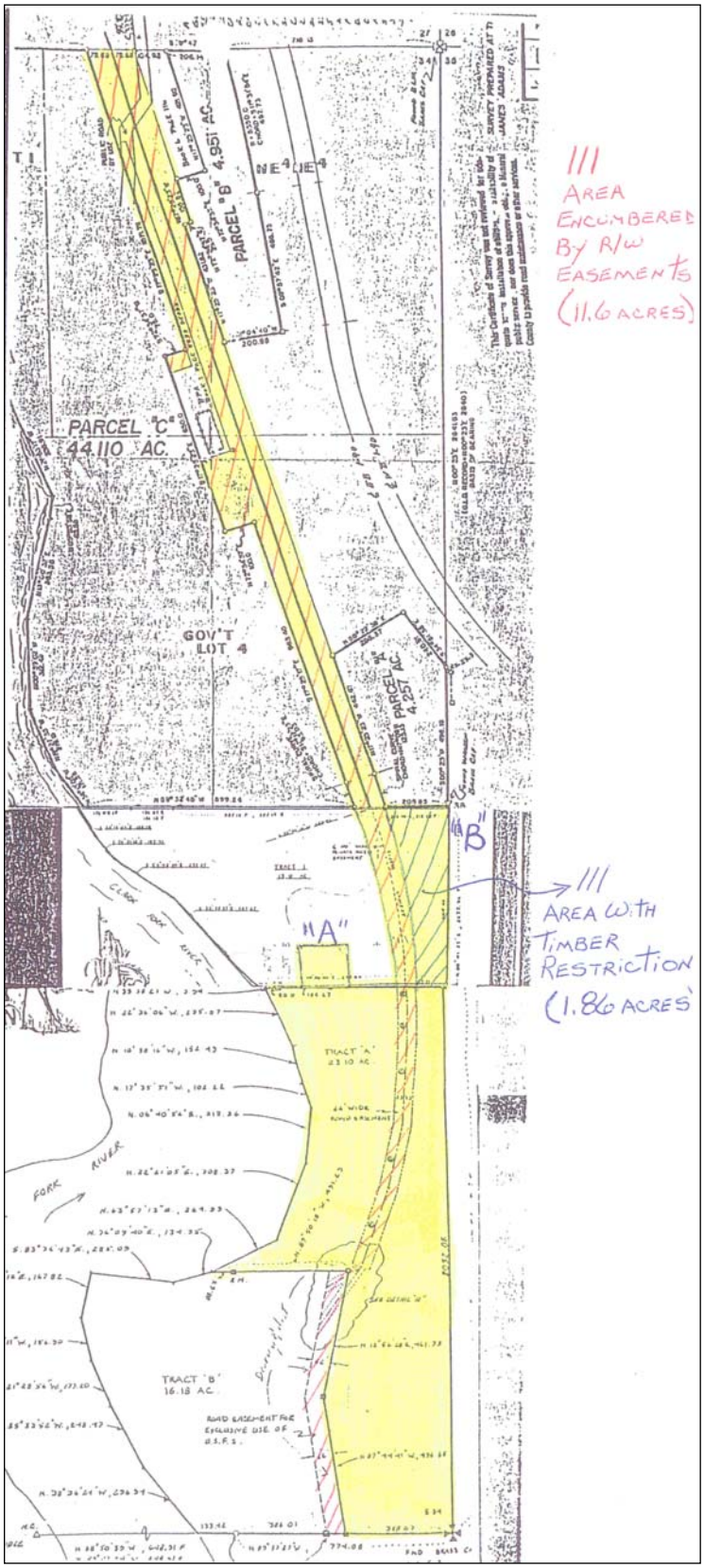
Land reservations of the United States, exceptions to title and uses to be recognized:

Reservations
EXCEPTING AND RESERVING to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

Outstanding Rights

a. A Special Use Permit dated November 15, 1994, issued to Clark Fork Telecommunications for a buried fiber optic telephone line, lots 4, 5, 8, NE¼NE¼ section 34, T. 15 N., R. 25 W. River Network will issue a lease or permit to this company for the same purpose.
b. A Federal Land Policy and Management Act Forest Road Easement dated January 5, 1995, issued to State of Montana, FWP, for Tarkio River Access Road #7736 across the E½NE¼ and NE¼SE¼ in COS No. 339, COS No. 376 and COS No. 373, section 34, T. 15 N., R. 25 W. The FS would terminate this easement and River Network would issue a new easement to FWP.

FIGURE 5. Lower Tarkio survey



Base image provided by Appraisal Report of Federal (Tarkio) Properties, Date of Value November 7, 2000., Lee Murray

Other outstanding rights providing for roadway and utility easements, mineral rights will be protected for continued use upon transfer out of FS ownership.

Elevation of the property is approximately 2920' above sea level. The majority of the property is steeply sloped, facing generally west. A portion of the tract is wooded and used for recreational purposes.

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

The majority of the site is steep, with elevations ranging from 3,045 feet to 2,567 feet at the Clark Fork River. A narrow bench (flood plain) sits about 15 feet above the Clark Fork River. The railroad grade is on a second, high bench, about 200 feet above the Clark Fork River. The area has been heavily modified due to the railroad grade and a substation. This tract was investigated and excavated for hazardous substances and according to a project letter from Tetra Tech, Inc. (October 4, 2001) to Darlene Edge at FWP, there was no evidence of hazardous materials. The debris on site was associated with demolition of site buildings or with historic steam locomotive traffic as related to the ash/clinker piles.

(The following **minerals** information is from the Mineral Potential Report prepared for the Alberton Gorge Land Exchange, U.S. Forest Service, Region 1, Missoula, 2000.)

Mineral resources rights are retained in private ownership, with the exception of sand and gravel, which are in federal ownership. The sand and gravel rights would be transferred to River Network if the exchange is completed.

<u>Geology, Mineralization and Mineral Activity</u>

The Tarkio Tracts are within the Northern Rocky Mountains physiographic province which is underlain by Precambrian sedimentary rocks of the Belt Supergroup. Recent Pleistocene glacial deposits cover most of the lowlying areas. On the subject parcels, limited outcrops of Wallace and Mount Shields argillites and quartzites occur, and landforms and alluvial deposits associated with glacial activity.

Hard rock mineralization is not evident on the parcels, nor is there evidence of hard rock mineral activity. There are no mineral leases on the federal tracts and the geology is not very favorable for occurrence. Mineral materials occur on the parcel due to the glacial deposits. Sand and/or gravel have been extracted from Section 34 on the federal parcel and additional economically valuable resources occur.

Mineral Occurrence and Development Potential

The mineral potential for occurrence and development of hard rock and leasable minerals on the Tarkio parcels is rated as low to very low (Mineral rights are outstanding). Mineral materials, sand and gravel, occur on the parcel and have been exploited in the past. For these reasons, the potential for future development of sand and gravel is rated as high.

Touch America/AT&T has been granted permission to install a fiber optic line through the south half of Tarkio Section 35 and in Section 34 along the old railroad right-of-way.

The foreseeable plans to develop this tract would be to improve the railroad right-of-way and construct a spur road east to provide access to Tarkio Section 35. No actions in the proposed land exchange are foreseen that would impact unique geologic or physical features of the area. Minor soil disruption, displacement, erosion, compaction or over-covering would occur to widen the railroad bed and construct about 250' of new road to access Tarkio Section 35. Soil stability and geologic substructure may be slightly altered with this improvement. Changes in siltation, deposition or erosion patterns that would modify the river bank from the roadbed improvements are not anticipated due to the rocky nature of the terrain and distance from the river. The public would not encounter any new risk of exposure to earthquakes, landslides, or ground failures.

Air

Increased dust may slightly impact the ambient air quality as a result of development on Tarkio Section 35 and increased residential traffic using the Lower Tarkio tract road for access. County subdivision review may require dust-abating measures to mitigate potential effects of additional traffic. Objectionable odors, changes in air moisture, temperature patterns, local or regional climate are not anticipated. No actions are foreseen that would conflict with federal or state air quality regulations.

Water and Flood Plains

Road improvements on the Lower Tarkio Tract could result in minor negative impacts to surface water, but not ground water quality or quantities. The distance of the road from the river (200-400') and vegetation/terrain between will help disperse erosion sediment prior to reaching the river. Potential for turbidity would be very low. No alterations are expected to the water temperature or dissolved oxygen. Amount of surface water, drainage patterns and rates of surface runoff and the magnitude of flood waters are expected to remain unchanged. Risks of contamination of surface water and groundwater should not increase. Potential building sites are required to be 120' from the riverbank and/or quite higher, of which there are possibly two such sites in Section 34 according to Marchwick (personal communication with Sue Dalbey, January 14, 2003). The appraiser did not find feasible building sites on this tract.

The change of ownership will not affect other water users, existing water rights or reservations, of which none are known. No discharges are predicted that would affect federal or state water quality regulations on the Lower Tarkio tract.

Lolo NF Hydrologist, Arne Rosquist, reported the following to Lisa Subcasky, FS Region 1 Realty Officer, June 21, 2000, regarding the features of Sections 34 and 35. The Lolo Land Systems Inventory (LSI), which is a Level 3-4 Soil Survey, shows Sections 34 and 35 along the Clark Fork River mapped as 13JA, 13UA and 14XA landtypes. These features are dry, well drained to excessively well drained river terraces and benches. The soils range from fine sandy and silty lacustrine deposits to gravelly and cobbly alluvial deposits. These high river terraces may be 50 to 500 feet above the adjacent stream channel with steep descending slopes to the river edge. These features were formed by huge glacio-fluvial processes as the last episode of continental glaciation was ending. The present Clark Fork River is a minimal remnant of the ancient floods. These lands, though adjacent to the current river channel (section 34 – Lower Tarkio tract), have no **flood plain** nor **wetland** function or value.

Vegetation, Wetlands, Prime & Unique Farmlands

The majority of the railroad ROW is an improved gravel road. It is foreseeable that approximately 1/8 to ¼ of the remaining, unimproved railroad grade may be improved and road spur(s) constructed on the Lower Tarkio tract to provide access to Tarkio Section 35. Topography south of the Tarkio FAS road junction would limit the feasibility of road development east of the railroad grade. Spurs developed would cause a minor decrease in the diversity, productivity or abundance of plant species.

Timber volumes were estimated at 100,000 board feet, based on the timber cruise completed by the Lolo NF, 1998.

Field surveys were performed on May 7 and June 3, 1999 by Darlene Lavelle, on an "intuitive controlled" level. No sensitive plants were found, as reported in her TES Plant Biological Evaluation for the Alberton Gorge Land Exchange, June 30, 1999. Ponderosa pine tree cover is the dominant tree species on this steep rocky-sloped tract. The riparian zone is very narrow along the river. A complete list of plant species is included in Lavelle's biological evaluation.

The two plants listed under the federal Threatened and Endangered Species Act and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*), listed as a threatened species, and is expected to occur on the Lolo National Forest, however it not been found on this Forest to date (as per Darlene Lavelle's "TES Plant Biological Evaluation for the Alberton Gorge Land Exchange," June 30, 1999). Ute Ladies'-tresses (*Spiranthes diluvialis*), also considered threatened, is in river meander wetlands east of the Continental Divide. The Spalding's Catchfly is found in the Upper Flathead River drainage and the Tobacco Valley, and was not found during Lavelle's survey of the Tarkio tracts. Lavelle reported that the proposed land exchange will have no impacts on any Forest sensitive or federally listed, threatened or endangered plant species.

The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Mineral County. It is

found in meadows in conifer forests within Glacier and Lake Counties, north of the Lower Tarkio tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.).

The field survey conducted by Lavelle, identified three noxious weeds on Sections 34 and 35 (*Centaurea maculosa, Euphorbia escula, Hypericum perforatum*). There is potential for these to spread with new construction and increased traffic. Weed abatement will be the responsibility of the individual land owner(s).

As noted by the Lolo NF Hydrologist above, these lands have no **wetlands** function or value.

This tract is rocky, steep, timbered, and no agricultural land exists on this tract, thus no **prime and unique farmlands** will be impacted by the exchange of the Lower Tarkio tract.

Fish & Wildlife

Transfer of ownership to the FWP is highly unlikely to affect critical habitat or the diversity and abundance of fish, wildlife and non-game species in the area.

Fisheries management of Clark Fork River will remain under FWP biologists based out of Missoula. Fisheries biologist, Ladd Knotek, stated in a phone conversation with Sue Dalbey, that fish species listed under the Threatened and Endangered Species Act are not expected to be affected by the proposed land exchange. Bull trout do inhabit the Clark Fork River in low numbers; however, the possible added angler pressure due to the acquisition of this tract will be negligible. Anglers must release bull trout and cutthroat trout, if caught. White sturgeon and pallid sturgeon do not inhabit the Clark Fork River. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River farther east in Montana. The arctic grayling is not found in this area. The public currently has access to this land along the river for angling, but access to this land would likely be closed under private ownership. Under the Montana Stream Access Law, anglers could continue to walk upstream within the high water line from the Tarkio FAS to access this stretch of river.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);

Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);

Proposed Threatened - mountain plover;

Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);

Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

The Endangered Species Coordinator for FWP, Arnold Dood, reviewed the properties involved and found the following species may use the areas involved in the Alberton Gorge Land Exchange: peregrine falcon, bald eagle, gray wolf.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed no species of special concern on the Lower Tarkio tract (May 12, 2000).

Recent review of the exchange by FS Wildlife Program Manager Sandy Kratville and Bob Henderson (December 2, 2002) does not anticipate effects to bald eagles if the Lower Tarkio tract is transferred to River Network because this tract is not conducive to subdivision, bald eagle habitat is unlikely to be modified, and FWP would acquire about 305 in the Alberton Gorge to ensure the availability of nesting habitat. The biologists discussed the fact that since minimal acreage is involved, the exchange will not place pileated woodpeckers at significant risk in the vicinity and may adversely impact individuals but will not lead to federal listing of flammulated owls. This tract is not considered essential habitat for the wolf and no effects are anticipated.

Songbirds, such as song sparrows and yellow warblers utilize the narrow riparian zone along the Clark Fork River (Hillis, June 16, 1999), and white-tailed deer use this tract.

Public hunting would probably not be allowed under private ownership.

Because the Lower Tarkio tract is not conducive to development, land use would primarily involve road improvements on the existing railroad grade and construction of a spur road east to access Tarkio Section 35. A more detailed wildlife assessment can be read in the following Tarkio Section 35 section, as biologists evaluated the two tracts together. Impacts to wildlife utilizing the Lower Tarkio tract will be less than that of Tarkio Section 35 due to less acreage and development anticipated.

Human Environment

Noise & Electrical Effects

Short-term noise levels would increase from the use of heavy equipment associated with construction of roads and timber harvest operations. Long-term noise levels would slightly increase from additional traffic using this road to access residences developed in Tarkio Section 35. No known changes to electrostatic or electromagnetic conditions are predicted. The remote locale of this tract should not affect radio or television reception.

Land Use

The productivity and profitability of this tract would not change due to the steep, rocky topography and limited development potential. This parcel is remote and the proposed action will have little affect on residences. The public will lose access, which is an important issue with Mineral county residents for hunting and recreation.

Risk & Health Hazards

Visitation and human use of the property will primarily be passing through to development features on Tarkio Section 35; therefore, there is little risk of explosion or release of hazardous substances in the event of an accident. This area would be serviced by the Mineral County Search and Rescue. The County would consider an emergency response or evacuation plan if the Tarkio Section 35 is developed and accessed through the Lower Tarkio tract. This area is outside of the fire district. Chemical toxicants may be used for the control of noxious weeds by private landowners.

A Phase I and limited Phase II site audit was conducted by Tetra Tech, Inc. in 2001. No hazardous materials were found. It was suggested, however, that the area may need some safety hazards removed including unstable debris, broken ceramic insulator bells, rebar and a section of the railroad substation basement that is accessible from the concrete slab (written communication to Darlene Edge, October 4, 2001).

Community Impact

The human population in the area is not expected to change significantly due to the exchange of the Lower Tarkio tract alone because of its small size, use restrictions and lack of developable terrain. Patterns of human movement within the site will increase if the railroad ROW is improved to provide access to Tarkio Section 35. Road maintenance and improvements are the most probable capital improvements at this site. The industrial and commercial activity and social structure of Tarkio could be impacted by the provision of access through the Lower Tarkio track and linked to the development activities in Tarkio Section 35.

Taxes

The 34 acre tract adjacent to the Tarkio FAS proposed to be transferred will provide slightly different tax revenue if acquired by River Network (private party), rather than owned by the FS.

The FS pays funds to the counties in two ways:

- PILT funds (Payments in Lieu of Taxes), and
- the 25% Fund, which is payment made up of 25% from all forest receipts based on FS acreage owned within each county and the national forest unit.

Total payment by the FS to Mineral County is estimated at $19 for the 34.4-acre Lower Tarkio tract. This includes approximately $3.37 PILT and $15.82 revenue from the 25% Fund (1999 figures).

If the proposed exchange is implemented, the Lower Tarkio tract taxes would be paid by a private party. Taxes are estimated at $250 based on the property being assessed as non-qualifying agricultural land.

Public Services, Utilities

The proposed transfer to River Network will slightly increase the level of government services required at this tract. Fire protection and police protection services would increase. Most governmental services in the area would be linked to potential development in Tarkio Section 35; the Lower Tarkio tract will primarily provide road access to Tarkio Section 35. Utility services are not available in the site, nor are they anticipated in the future unless necessary to develop Tarkio Section 35.

The Lower Tarkio tract contains approximately .9 miles of gravel road. River Network and FWP would be provided legal access on these roads to the Tarkio Fishing Access Site on the Tarkio River Access Road #7736 and Tarkio RR Grade Road #18171. FWP currently has an easement for use of the Tarkio River Access Road #7736, thus no net gain will occur for FWP if the exchange occurs as proposed. Currently, FWP provides maintenance on the gravel road and minor weed control practices. If the proposed exchange is implemented, an use agreement would be negotiated between FWP and the new property owner(s) to maintain roads in the Lower Tarkio tract. The intersection where residential traffic would meet FAS traffic would become active and may need signing.

Aesthetics & Recreation

Transfer of the Lower Tarkio tract to River Network will slightly reduce the public recreational opportunities along the river. The Tarkio FAS is adjacent to the Lower Tarkio tract; thus, some river access will continue to be available in the Tarkio area. This loss of public river frontage will also be mitigated with the FWP acquisition of nearly seven miles of shoreline upstream and the agency's development of three fishing access sites in that stretch.

This tract is not in a designated wilderness area, nor is it part of a wild or scenic river or trail. It is part of a popular river stretch used for commercial and public float trips. The steep topography and rocky slopes will limit the possible development on this tract. A large railroad grade cut-bank is currently visible from the river; road improvements and developments on this tract would be minor impacts to the aesthetics of a river trip. The site is not easily visible from other directions.

Cultural & Historical Resources

Jennifer Eberlien, Lolo National Forest Archeologist, examined the Lower Tarkio tract in Section 34 for cultural resources. In her November, 1999 inventory report, she recorded only one site (24MN164), the Tarkio Segment of the Chicago, Milwaukee, St. Paul, and Pacific railroad (the Milwaukee RR) and its associated substation. The site includes the abandoned Milwaukee railroad bed, piles of railroad spike cans, and the foundation of the associated substation at Tarkio. Due to lack of integrity, the Ninemile District of the Lolo National Forest, proposed to the Montana State Historic Preservation Office (letter dated November 29, 1999) that the Tarkio Segment is not eligible to the National Registrar of Historic Places (NRHP). The significant physical features of the railroad are already exemplified in the St. Regis to Avery Segment of the Milwaukee RR that is eligible to the NRHP.

The Lolo NF has consulted with the SHPO and after the FS mitigated concerns regarding the old highway in this tract, SHPO has approved FS disposal of the Lower Tarkio tract.

Evaluation of Mitigation or other Control Measures

If a portion of the overall Alberton Gorge Land Exchange fails, this proposal to transfer the Lower Tarkio tract to River Network will likely fail as well.

If the railroad grade is improved to Tarkio Section 35 for residential private access, FWP may negotiate an use agreement with landowners to maintain the road.

TARKIO SECTION 35
TRACT C

TARKIO SECTION 35 - TRACT C

Introduction

The FS owns all of Section 35 near Tarkio, Township 15 North, Range 25 West. This section is administered by the Lolo NF. Disposal of the Tarkio property was reviewed for consistency with guidelines for land exchanges included in the Lolo National Forest's 1986 Land and Resource Management Plan, or Forest Plan. Appendix I of the Forest Plan contains general direction for evaluating land ownership adjustments for the Lolo National Forest. The Alberton Gorge Land Exchange proposal to dispose of isolated NFS lands in the Lower Tarkio and Tarkio Section 35 tracts is consistent with these guidelines. Private and state-owned lands surround these federal tracts.

As proposed, the Forest Service will transfer most of the acreage of the Tarkio Section 35 tract to River Network through the Alberton Gorge Land Exchange. The sale of this tract and the MFWP Region 5 Old Headquarters will help River Network recover costs incurred to purchase the Gorge. In the FS scoping document published in June 2000 (the FWP Alberton Gorge Land Exchange Draft EA), it was projected that River Network would receive and subsequently sell 240-400 acres of Tarkio Section 35 with the likelihood that one to four home sites would be developed. However at that time, River Network acknowledged that if such "conservation-minded" buyers were not found, it was possible that the property could be purchased by other private entities for small-lot subdivision (20-acre parcels) and timber harvest.

Appraisals completed since the scoping process in 2000 now indicate that about 530 acres of land in Tarkio Section 35 will be transferred to River Network to equalize the exchange. Again, it is projected that River Network would sell this acreage to recover the value of the Alberton Gorge property. Based on the appraisal "highest and best use" determination for the property and recent patterns of land use in Mineral County, if this land were to be sold on the open market with no restrictions, the buyer would likely be a timber harvest manager/developer, who would remove a moderate amount of timber then sell or develop tracts for sale to private entities.

Wayne Marchwick, former Mineral County Planner, indicated that the 2001 Mineral County Comprehensive Plan designates this area as a low-density residential area. As such, the county would allow potential development or subdivision into twenty-acre or larger tracts in the Tarkio Section 35 area (personal communication with Sue Dalbey, September 4, 2002).

As the recipient of the Tarkio Section 35 land, River Network has undertaken two significant measures to mitigate or avoid potential impacts from this kind of residential subdivision. First, River Network is pursuing a land exchange with the Montana Department of Natural Resources and Conservation (DNRC) under which the Tarkio Section 35 (and Section 34) property would transfer to that state agency to become part of DNRC's land base, which includes two adjacent sections. Through this scenario,

Tarkio Section 35 would not go into private ownership and would not be subject to private development. In return for receiving the Tarkio Section 35 acreage, DNRC would trade to River Network other DNRC Mineral County properties, which the county commission and planner have identified as desirable for private development. River Network would in turn sell these tracts to private buyers. Area residents, in commenting on the Alberton Gorge land exchange in 2000, were strongly in favor of this approach, calling for Tarkio Section 35 to be transferred to DNRC for timber management, instead of being sold to private parties for development.

River Network submitted its land exchange application to DNRC in early 2002, and in May 2003 the agency gave a preliminary go-ahead to gather public comments on the proposal through a scoping process. The overall DNRC land exchange process is expected to take another year or more, and will include numerous opportunities for public input as the proposal is fully developed, exchange parcels identified, appraisals completed, and environmental impacts determined. Ultimately, the proposed River Network-DNRC land exchange must be approved by the State Land Board.

At this early stage in the process, there is no assurance that the River Network-DNRC exchange will be successfully concluded. For this reason, this environmental assessment must analyze potential impacts to the Tarkio Section 35 tract without assuming that the land will transfer to DNRC.

River Network has agreed to apply a second mitigation measure to Tarkio Section 35 in the event that its proposed land exchange with DNRC is not successfully concluded. A June 6, 2003, letter to Montana Fish, Wildlife and Parks Regional Supervisor Mack Long from River Network Senior Associate Ken Margolis expresses River Network's expectation that the DNRC land exchange will be successfully completed. Margolis adds, however, that River Network would have to sell the tract if the DNRC exchange fails, and he commits to the following mitigation:

> "The primary purpose of this letter is to assure you that we recognize the wildlife values of the Tarkio Tract, and its unsuitability for extensive residential development. I am here promising that in the unlikely event River Network ends up selling the Tarkio Tract to a private buyer, we will insert restrictions in the deed that will restrict the use of the parcel north of the highway [Interstate 90] to timber management. For the portion of the property on the south side of the highway, we would probably need to carve out a small number of residential lots (probably between four and six) in order to get the value out of the property. We pledge to consult with your biologists to assure that the lots are situated in such a way as to minimize disturbance to wildlife. Once again, I don't believe it will come to this scenario, but I wanted to be sure that you have our pledges on these matters should the contingency situation arise."

The FS and River Network have agreed that acreage on Tarkio Section 35 will be transferred beginning with lands in the south half of the section, proceeding into the

northeast quarter, then to the northwest quarter as necessary, until exchange values are equalized (i.e. the FS will retain certain lands in the NW¼ not needed to equalize the exchange).

The proposed amount of land transferred from federal ownership is the acreage necessary to equalize fair market property values (FMV) in the entire land exchange. In this case, the FMV that the FS will transfer to River Network (in Tarkio Sections 34 & 35 and Hebgen Cabin) will equal the FMV the FS is receiving from FWP in Frank Lake, Natural Bridge, Park Lake, and Tizer Lakes tracts. This figure, determined by appraisal, will include about 530 acres in Tarkio Section 35, excluding 51 acres of U.S. Department of Transportation land easement to accommodate Interstate 90, and thus having no contributory value. The FS, does have the option to provide a cash equalization payment of up to 25% of the federal estate value in the exchange, which could reduce the acreage transferred. A cash equalization payment of about 1.5% of the federal estate is anticipated in combination with the proposed 530 acres.

Property Description

Interstate 90 crosses the section east and west. The southern portion of the tract is accessible from adjacent Section 34. The road that accesses section 34 can be reached from the Tarkio Interstate-90 off-ramp, west under the freeway, then south approximately one mile following the old Milwaukee Railroad bed on the Tarkio River Access Road #7736 and Tarkio Railroad (RR) Grade Road #18171. Road access could be constructed to the southern portion of Tarkio Section 35 from this area.

The northern portion of Tarkio Section 35 is accessed from the Tarkio Interstate-90 off-ramp, northeast approximately 1000 feet on gravel road, east 500 feet, then south about ½ mile on a 66-foot road right-of-way for Ronck Road #18014 to reach the northwest corner of Tarkio Section 35. This road traverses the entire section from the northwest corner to the eastern border midpoint. This is part of the old Highway 10 abandoned when Interstate 90 was constructed. The FS will issue River Network legal access on this road via a perpetual easement.

Township 15 North, Range 25 West
Portion of Section 35
Mineral County
Total acreage = 530 acres

MAP 5. Tarkio Section 35

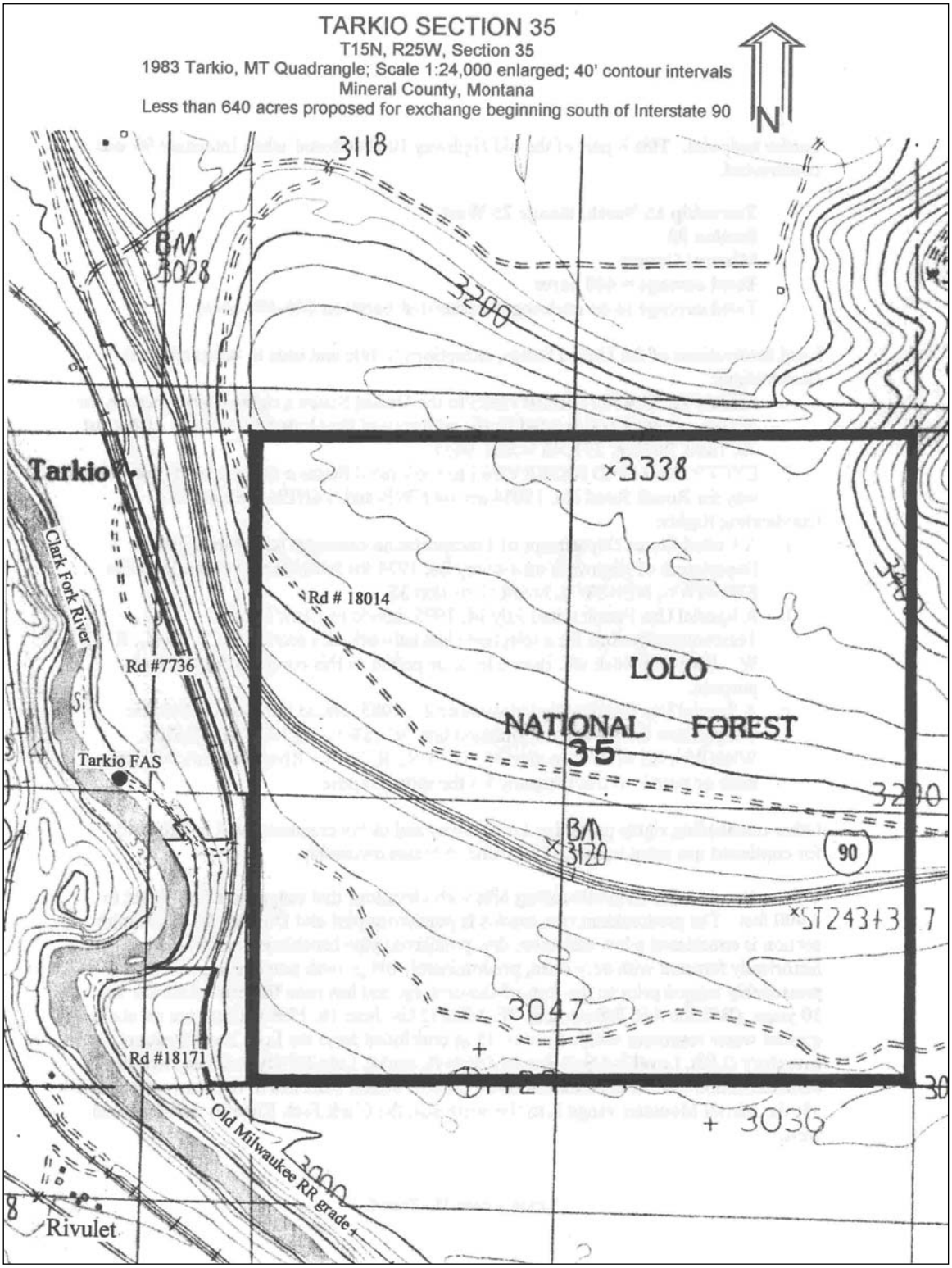
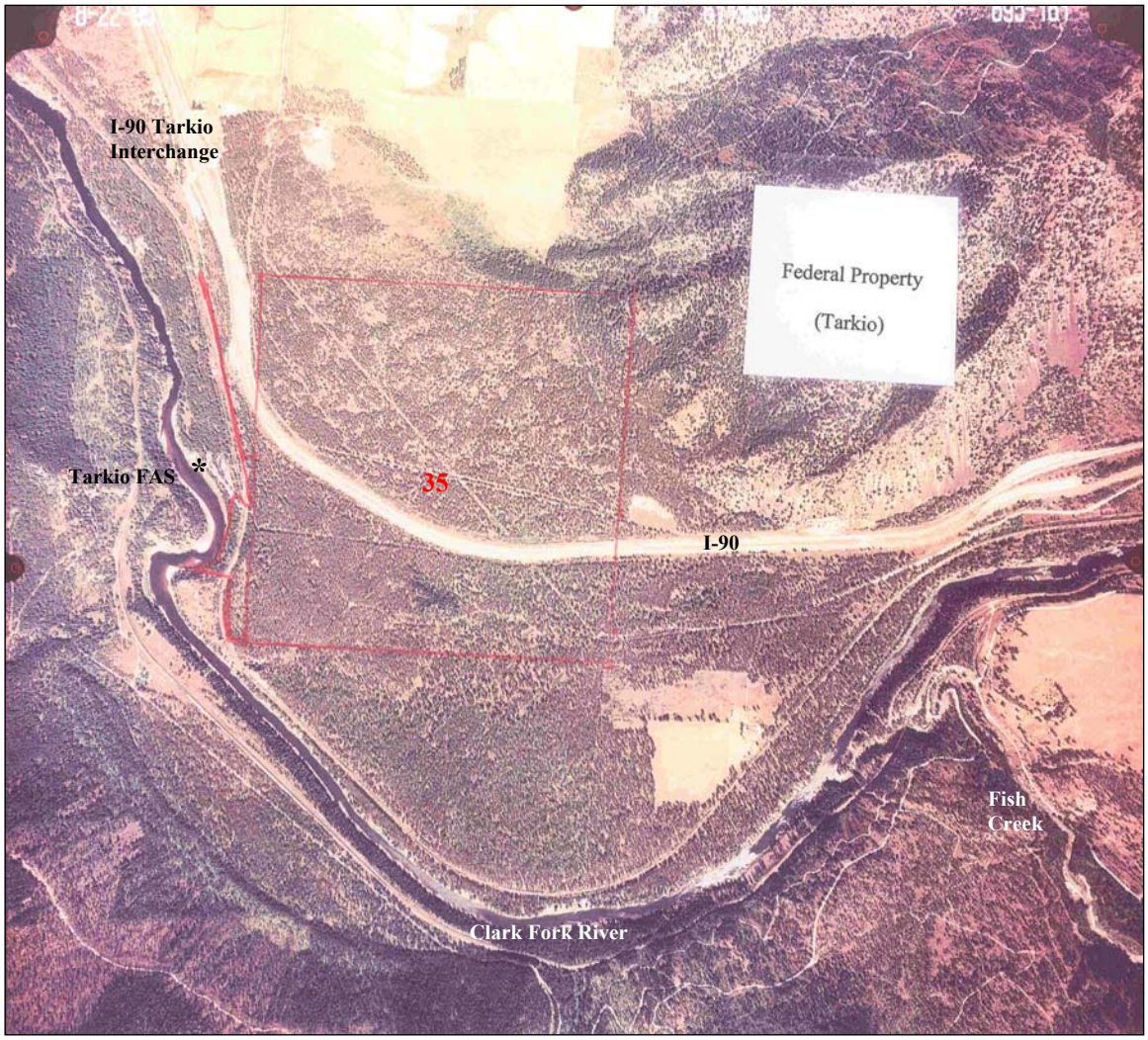


FIGURE 6. Tarkio Section 35 Aerial Photo



Tarkio Section 35 is the red square above; the Lower Tarkio tract is the irregular shape outlined in red adjacent to Section 35. Base photo provided by Appraisal Report of Federal (Tarkio) Date of Value November 7, 2000., Lee Murray Appraiser.

Land reservations of the United States, exceptions to title and uses to be recognized. Reservations:

1. EXCEPTING AND RESERVING to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).
2. EXCEPTING AND RESERVING to the United States a 66-foot road right-of-way for Ronck Road No. 18014 across NW¼ and S½NE¼, section 35.

Outstanding Rights:

a. A United States Department of Transportation easement issued to Montana Department of Highways on January 24, 1974 for Interstate 90 as it affects the SW¼NW¼, NE¼SW¼, N½SE¼ section 35.
b. A Special Use Permit dated July 14, 1995, issued to Clark Fork Telecommunications for a telephone line network, S½ section 35, T. 15 N., R. 25 W. River Network will issue a lease or permit to this company for the same purpose.
c. A Special Use Permit dated November 25, 1985, issued to Missoula Electric Cooperative for a 44Kv transmission line, W½SW¼, NE¼SW¼, N½SE¼, W½NW¼, SE¼NW¼ section 35, T. 15 N., R. 25 W. River Network will issue a lease or permit to this company for the same purpose.
d. Touch America/AT&T has been granted permission to install a fiber optic line through the south half of Section 35 and in Section 34 along the old railroad right-of-way.

Other outstanding rights providing for roadway and utility easements will be protected for continued use upon transfer out of FS ownership.

This section consists of gentle rolling hills with elevations that range from 3,047 feet to 3,600 feet. The predominant tree species is ponderosa pine and Douglas fir. The entire section is considered a low elevation, dry, ponderosa pine benchland, which was historically forested with very open, predominately old growth ponderosa pine. It was presumably logged prior to the turn-of-the-century, and has been thinned within the last 30 years. (Wildlife AE, Effects, and BE, Mike Hillis, June 16, 1999). There are no above ground water resources within Section 35 as concluded from the Lolo Land Systems Inventory (LSI), Level 3-4 Soil Survey (Arne Rosquist, Lolo NF Hydrologist, written communication to Lisa Subcasky, June 21, 2000). Tarkio Flats lies to the north of Section 35; the Martel Mountain range is to the northeast; the Clark Fork River to the south and west.

ENVIRONMENTAL REVIEW

The following analysis is based on the guidelines put forth in the Mineral County Comprehensive Development Plan (2001) identifying Tarkio Section 35 as a low density residential area qualifying for one home on each 20-acre parcel. The assessment also relies on reasonable assumptions about how other similar lands have been developed in Mineral County with input from the Mineral County Planner.

River Network has committed to mitigating many of the impacts noted here, by restricting the use of the parcel north of Interstate 90 to timber management, and convey only four to six residential lots south of the interstate.

Physical Environment

Land Resources

(**Minerals** source: Mineral Potential Report prepared for the Alberton Gorge Land Exchange, U.S. Forest Service, Region 1, Missoula, 2000.)

Mineral resources are under federal ownership with no unpatented mining claims or federal leases.

Geology, Mineralization and Mineral Activity

The Tarkio Tracts are within the Northern Rocky Mountains physiographic province which is underlain by Precambrian sedimentary rocks of the Belt Supergroup. Recent Pleistocene glacial deposits cover most of the lowlying areas. On the subject parcels, limited outcrops of Wallace and Mount Shields argillites and quartzites occur, and landforms and alluvial deposits associated with glacial activity.

Hard rock mineralization is not evident on the parcels, nor is there evidence of hard rock mineral activity. There are no mineral leases on the federal tracts and the geology is not very favorable for occurrence. Mineral materials occur on the parcel due to the glacial deposits.

Mineral Occurrence and Development Potential

The mineral potential for occurrence and development of hard rock and leasable minerals on the Tarkio parcels is rated as low to very low (Mineral rights are outstanding). Mineral materials, sand and gravel, occur on the parcel and have been exploited in the past. For these reasons, the potential for future development of sand and gravel is rated as high.

Touch America/AT&T has been granted permission to install a fiber optic line through the south half of Tarkio Section 35 and in Section 34 along the old railroad right-of-way.

Construction of access roads to individual tracts, house foundations, infrastructure such as utilities, sanitation systems and water wells, will result in disruption, displacement,

compaction, and over-covering of soil which will reduce productivity and fertility. According to the *Cultural Resource Inventory Report*, November 29, 1999, by Jennifer Eberlien, Lolo NF Archeologist, the section has had several episodes of logging as recent as 1976, and has several logging haul roads. Dispersed skidding would disrupt or displace soil, however working in the winter could mitigate the effects due to hardened ground and snow cover.

The tract is gently rolling, with no outstanding geologic or physical features that may be destroyed during construction of residential home sites and associated development, nor is the soil stability or geologic substructure anticipated to be altered. Due to the gradual slope of the tract and interference across this slope from Interstate 90, the potential development proposed is not anticipated to alter siltation, depostition or erosion patterns of the Clark Fork River. The county would examine the tract during the subdivision plan review for possible land slides, or soil instability, and could enforce specific restrictions, if necessary, to prevent exposure to ground failure in these areas (Wayne Marchwick, former Mineral County Planner, personal communication with Sue Dalbey, June 23, 2000).

Air

Post timber harvest actions may include broadcast burning, which would temporarily impact the ambient air quality. Minor and temporary amounts of dust can be expected during the construction of new roads and residential development, since typically construction occurs during dry months of the year. As part of the subdivision review, the county would likely require some type of dust abating measures. Wood smoke may increase if residences use wood stoves for heating. Occassional air inversions may cause temporary holding of wood smoke depending on the number of wood burning stoves, but the tract is high enough above the river bottom that smoke would not be expected to significantly accumulate. The County will review sanitary system and livestock restrictions during the subdivision review process (Wayne Marchwick, former Mineral County Planner, personal communication with Sue Dalbey, June 23, 2000).

No discharges are expected that will conflict with any federal or state air quality regulations. Changes in air moisture, temperature patterns, local or regional climate are unlikely from development or logging operations.

Water and Flood Plains

Lolo NF Hydrologist, Arne Rosquist, reported the following to Lisa Subcasky, FS Region 1 Realty Officer, June 21, 2000, regarding the features of Sections 34 and 35. The Lolo Land Systems Inventory (LSI), which is a Level 3-4 Soil Survey, shows Sections 34 and 35 along the Clark Fork River mapped as 13JA, 13UA and 14XA land types. These features are dry, well drained to excessively well drained river terraces and benches. The soils range from fine sandy and silty lacustrine deposits to gravelly and cobbly alluvial deposits. These high river terraces may be 50 to 500 feet above the adjacent stream channel with steep descending slopes to the river edge. These features were formed by huge glacio-fluvial processes as the last episode of continental glaciation was ending. The present Clark Fork River is a minimal remnant of the ancient floods. These lands,

though adjacent to the current river channel (only section 34 – Lower Tarkio tract is adjacent to the river), have no **flood plain** nor **wetland** function or value.

Rosquist's flood plain determination coincides with the U.S. Department of Housing and Urban Development, Federal Insurance Administration; Flood Hazard Boundary Map: Mineral County, MT, Unincorporated Area Page 13 of 19; Community-Panel No. 300159 0013A; effective date: February 14, 1978 provided to Sue Dalbey by Karl Christians, DNRC Flood Plain Management Section Supervisor.

There are no known existing water rights or reservations attached to the property. Residential development will increase use of ground water. Marchwick related to Sue Dalbey (personal communication January 14, 2003) that the developer, the county and the state (Department of Environmental Quality) must be able to guarantee water when reviewing a subdivison proposal. The county could require use of several wells with holding tanks for use as a community water system, if water quantities for individual wells are in question. Marchwick would expect domestic water wells in the vicinity of Tarkio Section 35 would likely require drilling to depths of about 400 feet, especially in the north half of the section, which is higher elevation. Existing wells on nearby sections (23 and 26) with similar elevation and terrain are logged at 320' and 340' and range in volume from 10 to 25 gallons per minute. Wells may be more shallow on the south portion of the section and produce higher volume.

Lack of surface water resources on the tract, gently sloping topography, and distance from the Clark Fork River, limits the risk of alterations to existing surface water quality or actions on this tract that may potentially conflict with federal or state water quality regulations. Drainage patterns and rates of surface runoff will slightly increase with logging events and residential development due to increased surface compaction and reduced vegetation; however, residential lots of the size proposed by the county development plan (20-acre lots) would limit impacts. Most developers leave enough vegetation for aesthetic purposes that runoff created from increased hardened surfaces (i.e. roads, driveways, building roofs) would dissipate.

The public has voiced concern over increased effluent entering the river from development and associated septic systems. This is not probable due to the county and state sanitation laws and required review and approval of new subdivisions. Marchwick also indicated that the soils in Tarkio Section 35 are sediments from Glacial Lake Missoula, which are conducive to adequate drain fields (personal communication with Sue Dalbey, January 14, 2003).

Vegetation, Wetlands, Prime & Unique Farmlands

Field, "intuitive controlled" level surveys were conducted on May 7 and June 3, 1999 by Darlene Lavelle for the FS. A list of species located at this site can be obtained from the Lolo FS, Ninemile Ranger District (TES Plant Biological Evaluation for the Alberton Gorge Land Exchange, Darlene Lavelle, June 30, 1999). No sensitive plants were found during Lavelle's surveys. She noted that one threatened plant species is expected to occur on the Lolo NF, *Howellia aquatilis*, but it had not been found in this NF as of June 30,

1999. Spalding's Catchfly (*Silene spaldingii*) is listed under the threatened status; however, this species is found in the open grasslands of the Tobacco Valley and the Upper Flathead River drainage (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). This species has not been recorded on the timbered Tarkio Section 35 tract and will not be impacted by the proposed exchange. No endangered plant species are expected to occur on this tract. Lavelle concluded that the proposed land exchange [Lower Tarkio-Tract B and Tarkio Section 35-Tract C] will have no impacts on any Forest sensitive or federally listed, threatened or endangered plant species.

The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Mineral County. It is found in meadows in conifer forests within Glacier and Lake Counties, north of the Tarkio Section 35 tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002).

A search of the Montana Natural Heritage Program database for Tarkio Section 35 revealed no records of vegetative species of special concern (written correspondence, Sue Dalbey, May 12, 2000).

Timber volumes are estimated at 3,210,000 board feet on the south half of the section, and 1,900,000 board feet on the north half, based on the timber cruise completed by the Lolo NF, 1999.

As noted by the Lolo NF Hydrologist above, this tract does not contain **wetlands** function or value.

This tract is considered timbered (DNRC Forester, June 23, 2000); no **prime or unique farmland** will be affected.

Logging operations will affect the abundance of various vegetative species due to dispersed log skid trails and heavy equipment operations. Post timber harvest actions, such as broadcast burning, kills small Douglas firs and rejuvenates brush, instigating new succulent growth. Residential development will decrease the abundance of various natural vegetative species due to the construction of roads, homes, supplemental buildings, and associated landscaping. Other vegetation species, such as lawn and ornamental shrubs and trees, will likely increase for residential landscaping purposes.

Weed abatement will be the responsibility of the individual land owner(s). Subdivision would increase the vehicular traffic on the tract, thus increasing the potential for introducing new plant species, and spreading weeds on this and adjacent properties. Lavelle observed the following noxious weeds present on this tract: *Centaurea maculosa, Euphorbia escula, Hypericum perforatum, Potentilla recta*.

Weed infestation may also increase due to logging operations and the opportunity for existing weeds to establish and spread in disturbed soil. These effects can be mitigated if logging equipment is clean and operations occur in the winter when seeds are less apt to attach to vehicles or become established.

The County Weed Board requires disturbed soils to be reseeded within the same season, according to County Planner, Wayne Marchwick in personal communication with Sue Dalbey (June 23,2000). This practice would also help reduce the establishment of noxious weeds.

Fish & Wildlife

Mike Hillis, former Lolo NF Wildlife Biologist, indicates in his report dated June 16, 1999, that the property consists primarily of a dry ponderosa pine benchlands habitat.

> "This droughty, low elevation benchland was historically forested with very open, predominately old growth ponderosa pine…. Today it's forested with fairly dense, century-old ponderosa pine. There has been some fairly recent thinning activity, although the stand is still denser than what occurred naturally. There are no large snags or old growth trees."

Hillis states that Tarkio Section 35 provides a pocket of dense hiding and thermal cover immediately adjacent to northern croplands heavily used by 60-100 elk in late winter and spring. It is believed that this wintering elk resource is focused in the portion of Tarkio Section 35 that lies north of Interstate-90, due to the imposition of crossing Interstate 90 and lack of significant signs of use on the south portion. (Mike Hillis, *Wildlife Effects of Disposal* report, April 17, 2000; Bob Henderson, MFWP Region 2 Wildlife Biologist, personal correspondence with Sue Dalbey on May 3, 2000, December 10, 2002) Extensive timber harvest in the 1970's and trends of fire exclusion on National Forest and Plum Creek (formerly Champion) lands may force a disproportionate amount of thermal and hiding cover use to Tarkio Section 35 than it would otherwise, if there were more cover on the surrounding lands. A moderate amount of hunting occurs on Tarkio Section 35 in the fall. (Mike Hillis, *Wildlife Effects of Disposal* report, April 17, 2000)

Hillis, and Henderson, indicated that the portion of the parcel south of Interstate 90 provides excellent winter range for white-tailed deer. Dense stands of ponderosa pine provide snow interception, habitat for arboreal lichens, and both hiding and thermal cover.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);

Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);
Proposed Threatened - mountain plover;
Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);
Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) identified no species of special concern. Hillis confirmed that Canada lynx do not inhabit the low elevation Tarkio Section 35 (written correspondence to Lisa Subcasky, May 26, 2000).

The June 16, 1999 wildlife report by Mike Hillis, indicates minimal use of Tarkio Section 35 by any federally listed species, and the proximity to Interstate-90 presents a high risk of mortality.

- Members of the Ninemile wolf pack may pass through the parcel periodically, but this is not considered essential habitat.
- Bald eagles utilize the river corridor during nesting and wintering, and though suitable habitat is limited to the zone immediately adjacent to the river, eagles do forage on road-killed deer. Based on current recovery rates, this section of the Clark Fork River will become occupied by nesting birds regardless of ownership of Tarkio Section 35, which does not border the river.

Old growth ponderosa pine is unlikely to occur on lands privately owned in a subdivision situation. Old growth is necessary to possibly recruitment habitat for the pileated woodpecker and the flammulated owl.

- Flammulated owl habitat is not currently available, but disposal of Tarkio Section 35 will probably create a loss of recruitment opportunities in 200 years. The proposed land trade "may impact individuals, but not lead to federal listing."
- Pileated woodpecker habitat probably will not be recruited if Tarkio Section 35 is privately owned and subdivided. "Because of the minimal acreage involved, this alternative won't place pileated woodpeckers at significant risk in the vicinity," according to Hillis' report.

Hillis (April 17, 2000) and Lolo National Forest Wildlife Program Manager Sandy Kratville and FWP Wildlife Biologist Bob Henderson (I.*Effects documented December 2, 2002 by Sandy Kratville and Bob Henderson*) concurred that with private ownership of Tarkio Section 35 and development of 20-acre parcels or less, the "net effect could include a small but measurable reduction in carrying capacity or population size at the [elk] herd unit scale. No large population declines are anticipated for elk." Crop depredation will likely increase on neighboring lands.

White-tailed deer may continue to use Tarkio Section 35 even with subdivision development; however, the potential reduction of dense forest structure would no longer provide significant winter habitat. Large population declines in white-tailed deer would not be expected (Kratville & Henderson, December 2002).

Hillis' 2000 report states that Tarkio Section 35, in its current ownership status, helps connect the forested lands north of Interstate-90, to forested lands south of the river, in a fairly unbroken band of cover (between the Bitterroot and Ninemile Divides). It is unknown whether this serves as a significant north-south linkage zone for wide-ranging wildlife, though this larger area is identified as a possible linkage zone for grizzly bears (Servheen, Chris, J.Waller and P. Sandstrom. *Identification and Management of Linkage Zones for Grizzly Bears Between the Large Blocks of Public land in the Northern Rocky Mountains*, 2001.). Linkage zone functions for north-south movement of wide-ranging animals could be reduced in Tarkio Section 35 if 20-acre homesites are developed; however, the surrounding public and corporate lands would mitigate these effects and continue to allow access to the river (Henderson personal communication with Sue Dalbey, December 10, 2002).

The acquisition of the Alberton Gorge will help mitigate effects of Section 35 changing to residential homesites. FWP ownership of Alberton Gorge will link some existing public lands north and south of the river, including section 36 adjacent to Tarkio Section 35, adjacent and opposite the mouth of Fish Creek.

Trends indicate that public hunting opportunities would likely be lost if Tarkio Section 35 is privately owned and developed into residential lots. Human residences, activity and densities will increase in the area, which will add stress to wildlife populations.

Private ownership of Tarkio Section 35 may include the introduction of domestic pets, horses or untraditional livestock, such as llamas. Human and domestic animal interactions with deer, bears and mountain lions would become more common in and near Tarkio Section 35, if developed into a residential subdivision.

No fish species occur within Tarkio Section 35, due to lack of water.

Cumulative activities include the traffic from Interstate-90, disturbance from adjacent residences, and ecosystem burning and logging in the Stark Horse area. The effects of the proposed land exchange are limited to long-term effects, such as recruitment opportunities for old growth and long-term nesting options for eagles; therefore, additional impacts of a potential subdivision into small tracts in Tarkio Section 35 will be relatively minor compared to impacts of existing activities, especially Interstate-90. The potential for a functioning linkage zone across Interstate-90 in the vicinity of Tarkio Section 35, however, would be reduced with the current proposal for selling National Forest System Lands to River Network in Sections 34 and 35 (Kratville & Henderson, December 2002).

The deed restrictions proposed by River Network - to be applied in the event that the DNRC land exchange fails and Tarkio Section 35 is sold privately - should mitigate adverse wildlife impacts. River Network has pledged to prohibit residential development on the north side of Interstate 90, keeping these 210 acres accessible to commercial timber harvest, but not available for construction of buildings or other permanent human settlement. Although the character of the forest habitat will undergo periodic change through timber removal, the land will remain as part of the habitat base to support the regional wildlife population. This will include seasonal habitat use, as well as its function as a travel corridor.

South of Interstate 90, there is the potential for limited residential development in Tarkio Section 35, most likely four to six homesites. This represents a density of one house per approximately 40 to 60 acres, providing the possibility of localized wildlife disturbance by the activities of people, pets and vehicles but generally retaining the character of this open-space forested habitat.

Human Environment

Noise & Electrical Effects

No known changes to electrostatic or electromagnetic conditions are predicted. Installation of new power lines for residential use may influence radio or television reception.

Timber harvest and subdivision construction would require the use of heavy equipment and trucks for logging, road improvements and construction; therefore, noise levels are expected to temporarily increase. Future noise levels from vehicle traffic and human domestic activities will increase if the property is subdivided for residential use. Retaining some timber and vegetation in the area and limiting the tracts to 20 acres or larger could mitigate these affects.

Land Use

The construction of residential housing would allow for reasonable use of the land as required by state law, and will produce income for road and housing contractors, plumbers, electricians, painters, and other contractors, as well as increase the Mineral County tax base.

The site does include elk calving ground, which is important, but not unusual in western Montana. This use by wildlife is supported by local residents and, according to Mineral County Planner Wayne Marchwick, helped set the county guidelines for subdivision and individual tract size. Marchwick indicated that residential development on Tarkio Section 35 may ultimately result in the relocation of neighboring residents who have lived in the area for many years, as demonstrated by similar use changes in the vicinity of newer subdivisions. He said that long-time residents value the remote location and easy access to hunting and recreation opportunities, which would potentially be lost if Tarkio

Section 35 is privately owned, logged and residential subdivisions constructed (personal communication with Sue Dalbey, June 23, 2000).

Timber harvest on Tarkio Section 35 will profit the land owner/timber seller. Timber harvest and thinning can increase undergrowth for natural productivity. Residential development could increase the financial productivity and profitability of this land.

The area is now under public ownership and managed by the FS; therefore, the tract is considered a natural area to local residents who frequent the area for recreational purposes. The land, however, has no formal natural, educational, or unusual scientific designation. If this tract is developed into 20-acre residential lots, the public would lose the recreational use of this property for hiking, horseback riding, hunting, and watching wildlife.

Risk & Health Hazards

The risks for explosion or release of hazardous substances in the event of an accident are low. The use of chemical toxicants would be owner dependent, such as for weed control. Though logging and construction have certain hazards to employees, public health hazards are not typically created by either action.

The County may need to consider an emergency response or evacuation plan if the Tarkio Section 35 is developed. This area is outside of the local fire district.

Community Impact

No residences presently occur on Tarkio Section 35. Developing this tract into residential lots will slightly increase the human population density, distribution, and location. Social structure of the community may slightly change, according to Wayne Marchwick, in personal correspondence with Sue Dalbey, June 23, 2000. It is anticipated that many private lot buyers will originate from outside Mineral County, thus cultural viewpoints may differ, and the area aesthetics change.

Levels of employment, industrial and commercial activity will slightly and temporarily increase. Economic benefits of these increases, however, may not be fully realized locally. Often the larger construction projects are contracted out of Missoula rather than the local Superior/Tarkio community. Truck traffic will temporarily increase during timber harvest operations and residential construction. Standard vehicle traffic will increase on access roads and the Milwaukee Railroad bed after residences and access roads are established.

Tax Revenue Estimates in Mineral County

In Fiscal Year 1999, the FS paid approximately $357 to Mineral County for the Tarkio Section 35 tract. This includes the PILT payment (about $63) and the 25% Fund (about $294 apportioned from timber sales in Mineral County). The FS collects no revenue from this site. If the property remained in FS ownership, the current management emphasis is on winter range productivity and old growth ponderosa pine restoration, which suggests that commercial thinning and underburning may occur in the future (Mike

Hillis, Wildlife Effects report, April 17, 2000). These potential actions on this relatively small parcel would not significantly change the PILT or 25% Fund payments by the FS to Mineral County, because these payments are based on timber sales on total FS lands owned in the county.

Development of this property would increase the tax base generated from this tract. Parcels will be 20 acres or greater; therefore, taxes will be assessed as timber or agricultural land, which are less than urban tract land, according to Marchwick. Additional taxes would be dependent upon the structures placed on the property and values placed on views. Marchwick projected that county service expenses to administer subdivision permits, road maintenance, sanitation permits, solid waste disposal, health services, and police protection may be higher than the tax revenue collected, as shown in studies done in another Montana county (personal communication with Sue Dalbey, June 23, 2000).

Government (FWP) expenditures associated with wildlife damage will increase if Tarkio Section 35 is developed into residential tracts, due to displacing wintering elk and deer to neighboring agricultural land and the resulting crop damage claims.

Public Services, Utilities

The only service currently provided on the tract is in the form of FS road maintenance.

The Tarkio Section 35 tract includes 1.1 miles of 66-foot **road** right-of-way for Ronck Road #18014 across the NW¼ and E½ of the section. In compliance with the Forest Land Management Planning Act of 1976, the U.S. will issue a perpetual easement to River Network for this road use. The U.S. will retain the right to review the easement terms and conditions every 30 years and the U.S. will retain the right to use this road to access portions of Tarkio Section 35 that remain in U.S. ownership. The southeast portion of this road is deteriorating asphalt - remains of the old Highway 10 (Jennifer Eberlien, Lolo NF Archeologist, personal communication with Sue Dalbey, June 2, 2000).

Road access to the southern portion of Tarkio Section 35 could be developed from the Milwaukee Railroad bed (FS road #7736 and #18171), which would be transferred to River Network through the exchange of the Lower Tarkio tract (34 acres in Section 34). FWP would retain their existing easement to access the Tarkio Fishing Access Site using this route.

Logging activities and constructing residential homesites would require improving the existing roads listed above and creating auxiliary roads. Increased traffic may require more signing at intersections, specifically where new subdivision traffic meets existing FAS traffic. If the proposed exchange is implemented, an use agreement would be negotiated between FWP and the new property owner(s) to supply access to Tarkio Section 35 via road # 7736 and #18171.

Timber harvest could be conducted using roads from past logging events. New gravel roads and driveways will be necessary to develop residential access. The subdivision design will determine the quantity of roads needed. Landowners will be responsible for road improvements and maintenance, according to Wayne Marchwick, County Planner (personal communication with Sue Dalbey, June 23, 2000).

Subdivision of the tract will increase the level of government services necessary at the Tarkio Section 35 tract in the form of subdivision review, water well, septic and drainage review. Fire protection, solid waste disposal, health services, and police protection services would increase according to Marchwick. New utilities will be needed and an increase in energy use will occur to operate typical homes, wells, and household activities.

Aesthetics & Recreation

Elizabeth Casselli, Lolo NF Landscape Architect, evaluated the Visual Quality Objective (VQO, report dated July 7, 1999) for Tarkio Section 35 and made the following comments. The section is primarily timbered with the dominant tree species of ponderosa pine. Some limited harvesting has occurred, however it is not noticeable from the Interstate, which is the primary viewpoint in the area. The section has been given the highest visual quality objective of Retention along the Interstate, and Partial Retention, in portions of the section not directly adjacent to the Interstate.

Casselli noted that if River Network acquires the property, subdivides and sells the property for residential development, it is anticipated that most of the home sites planned for development in Tarkio Section 35 will be out of view of Interstate 90. The visual integrity of the area, as viewed from Interstate 90, will not be significantly impacted by this development.

This tract is not part of a designated or proposed wild or scenic river, trail or wilderness area.

Tree removal and developing 20-acre residential lots north and south of the interstate will alter the aesthetics of this heavily timbered area. The existing natural area will change to a residential area with associated homes, outbuildings, vehicles, and livestock. Private ownership of portions of Tarkio Section 35 will exclude public access to most of the section for recreating and hunting activities.

Cultural & Historical Resources

A cultural resource inventory survey (99.LL.4.1) was completed November 29, 1999, by Jennifer Eberlien, Lolo Forest Archeologist. The FS has consulted with the State Historic Preservation Office to mitigate potential impacts as a result of the old Highway 10 transferring to private ownership.

The Confederated Salish and Kootenai Tribes, Tribal Historic Preservation Office, were notified of this exchange in November 1999, and no objections were received.

Evaluation of Mitigation or other Control Measures

Mineral County Planning Board, County Planner and the Commissioners would examine the tract during the subdivision planning review process for possible land slides, soil instability, water, septic and drainage conditions, and could enforce specific restrictions, if necessary to prevent impacts in these areas. The county review will also identify a minimum individual tract size of 20 acres or larger as outlined in the Mineral County comprehensive plan which took into consideration wildlife habitat, agricultural uses, public health and safety, public comments, and "finding of fact" regarding tract conditions (Wayne Marchwick, personal communication with Sue Dalbey, June 23, 2000 and September 4, 2002).

River Network, Mineral County Commissioners and DNRC are currently negotiating a future exchange, which would place Tarkio Section 35 in DNRC ownership. This transfer to another public agency with no resulting residential development would mitigate most of the impacts discussed above.

FRANK LAKE
TRACT D

FRANK LAKE - TRACT D

Introduction

The Frank Lake Fishing Access Site was acquired by FWP in 1980 when the seller/donor wished to have the property placed in public ownership in perpetuity. This property offers about 3,000 feet of Frank Lake frontage and access to the northern tip (about 1/8 mile) of Summerville Lake, approximately six miles south of Eureka, Montana.

The site sees little public use and has no improvements on the property. Trout fishing, boating, and picnicking are the primary recreational activities at the site. There is no boat ramp, but many people access the lake by way of a gravel ramp on the north end of the lake on FS property. Marty Watkins, Region 1 State Parks Manager, estimates that 500-1000 visitors utilize the Frank Lake FAS.

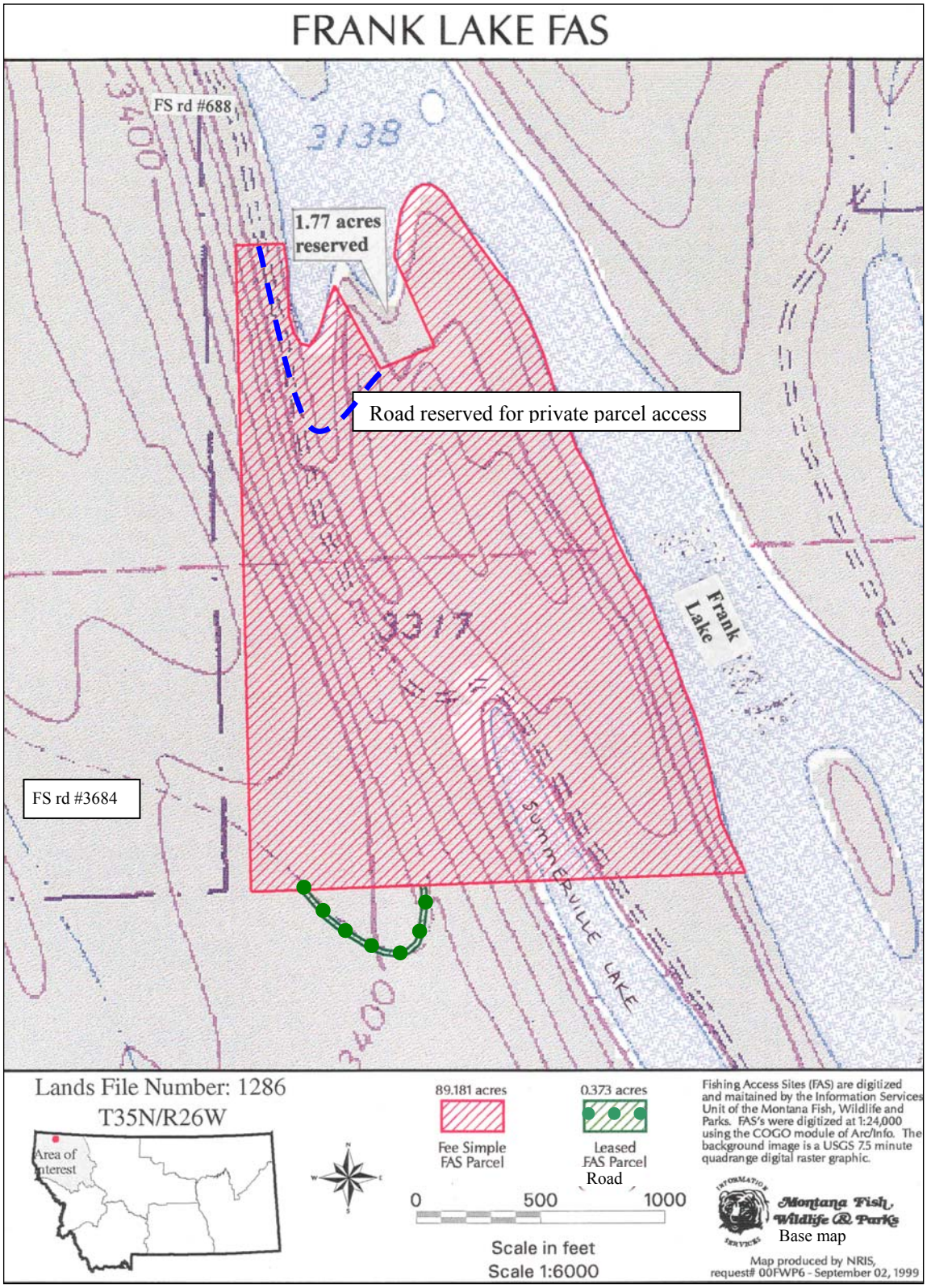
The Montana Statewide Angling Pressure estimates for 1997 credits 466 anglers visiting Frank Lake (+/- 195); visitation seemingly increased in 1999 with a total angling pressure estimate of 2,303 (+/- 640). This site was ranked 96th in FWP Region 1 use in 1997 and jumped to 38th in 1999, with 78 and 94%of the anglers being Montana residents, respectively.

The property is currently managed by FWP according to a set of 14 deeded restrictions, which generally state that the property shall be maintained in its present natural state (as of 1980) and the agency may construct and maintain facilities necessary for safe, regulated, sanitary and ecologically balanced use of the property for limited public recreation. If the exchange is not completed, the restrictions will remain and FWP will continue managing the site as in the past. If the Alberton Gorge Land Exchange is completed as proposed, the original landowner has agreed to remove all deed restrictions from the property at the closing of the exchange (Agreement to Release Covenants, Restrictions, and Provisions dated March 27, 2000).

It is proposed that Frank Lake Fishing Access Site will be transferred to the FS. This site in northwest Montana is adjacent to NFS land administered by the Kootenai National Forest. Management would be more efficient for this remote site, if absorbed into the FS, which has offices in nearby Murphy Lake, rather than maintained by FWP based out of Kalispell, over 50 miles south.

The Kootenai National Forest Plan (1987) states that, "Forest Service acquisitions will primarily be those which create more favorable access and/or use of public recreation opportunities and which provide critical wildlife habitat." Jeff Scussel, Kootenai Forest Planner, indicated (memos dated January 15 and 26, 2000) that this tract is identified for the purpose of improving public usage and consolidating National Forest land. It also provides valuable winter range. This acquisition is supported by the Kootenai National Forest Plan and is in the best interest of the public, according to Scussel.

MAP 6. Frank Lake FAS



Note: Kootenai NF Surveyor, Roger Green calculated the acreage shown in Certificate of Survey #133878 to arrive at a total of 90.40 acres, and this acreage was used to determine the appraised value.

The FS proposes to designate this tract as Management Area 21, consisting of areas of special interest (other) as outlined in the Forest Plan, because of its important fauna, recreational and cultural attributes, which are of public interest and require special management. The boreal (Western) toad, leopard frog and the common loon are found on the tract and are listed on the Regional Sensitive Species List. Frank Lake provides an outstanding rainbow trout fishery. The continuity of agency management will improve access for this sport fishery and maintain wildlife habitat.

The Murphy Lake Ranger District Archeologist, Nancy Anderson stated (personal communication with Sue Dalbey, June 21, 2000) that this area was extensively used in the early 1900's in the lumber industry. The Frank Lake tract is adjacent to a burned railroad trestle used for transporting logs to the Eureka Lumber Company. In addition, Anderson believes the site may contain remnants of historic portable sawmills, which were common during this time.

The following standards would apply to this area when incorporated into the National Forest System:

1. Public access, under FS management, would remain open.
2. Development in the near future would be limited to general maintenance to protect the resources and maintain roads.
3. This site would not be suitable for timber production.
4. Salvage harvest may be used on an infrequent basis to:
   a. Prevent fuel accumulation;
   b. Create desired species and age class mixtures as determined by wildlife and fisheries need;
   c. Public safety; and
   d. Creation of dispersed sites.
5. No salvage permitted in old-growth sites.

This site was acquired by partial donation from the owner and with Land and Water Conservation federal funding. Transfer of the property to the FS will be contingent upon approval from the National Park Service, who administers the LWCF funds.

Property Description

The Frank Lake property is accessible by a seasonal dirt road from Eureka from the north on FS system road #688; a short route northeast off the old Eureka/Fortine highway; or a third route northeast from Barnaby Lake.

Township 35 North, Range 26 West
Section 7: Lot 8 (1.779 acres reserved)
Section 18: Lot 2, and NE ¼ NW ¼
Lincoln County, Montana
Total acreage = 90.40 acres more or less

Note: FWP lands records indicate the site totals 88.88 acres; digitized FWP map above calculates 89.55 total acres; however, Kootenai NF Surveyor, Roger Green calculated the acreage shown in Certificate of Survey #133878 to arrive at a total of 90.40 acres and this acreage was use to determine the appraised value.

Reservation: None

Outstanding Right:
A tract of land situated, lying and being in the SW1/4 of sec. 7, T. 35 N., R. 26 W., P.M., MT., Lincoln County, Montana; containing 1.779 acres of land, more or less, and further reserving an easement for a private right-of-way for the purpose of obtaining access to the above-reserved real property; subject to and together with all existing easements of record.

Frank Lake is approximately one mile long and ¼ mile wide at its widest point, and is considered a good fishing lake by locals in both winter and summer. Summerville Lake is a shallow, no-fish bearing body of water. Elevation of the property ranges from 3,138' to approximately 3,480' above sea level. Approximately one-third of the property is steeply sloped, facing generally east. The remainder is gently sloped except for an 80 to 100 foot drop to the shoreline of Frank Lake. Douglas fir and western larch are the predominate species. The site has been logged to a low degree in the past. Nearly the entire tract is wooded and used for recreational purposes. (Frank Lake property appraisal report for FWP, by John R. Dittman, February 1980.)

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

The majority of the site is gently sloping, except for a 80-100 feet drop to the shoreline of Frank Lake. Steep hillsides rise from the west shore of Summerville Lake and along the westerly boundary of Government Lot 8, Section 7. The general soil characteristics are fine textured with pockets of sand and gravel (EA Engineering, Science and Technology, 1992).

(The following **minerals** information is from the Mineral Potential Report prepared for the Alberton Gorge Land Exchange and can be obtained from the U.S. Forest Service, Region 1 office in Missoula.)

The mineral estate on the Frank Lake tract is owned by FWP and will be transferred to the FS if the Alberton Gorge Land Exchange is completed.

Geology, Mineralization and Mineral Activity

The Frank Lake tract is located within the Northern Rocky Mountains physiographic province in the very northwestern corner of Montana. The parcel itself is located within the greater Rocky Mountain Trench which separates the Whitefish Range to the east and the Salish Range to the west. The entire area is underlain at depth by formations of the Precambrian Belt Series, the Wallace Formation and the Ravalli Group. The Wallace Formation is primarily light to dark gray, finely laminated argillite. The Ravalli Group in this area is primarily laminated argillites and thin beds of quartzite (Ross et. Al, 1963). Thick calcareous glacial and glaciofluvial deposits cover the entire parcel. Glacial material ranges primarily from sand to cobble size (Tincher, 2000).

Hard rock mineral activity has not occurred on the parcel, likely due to the extensive glacial cover. The nearest hard rock prospects occur several miles to the north and are small, isolated workings. There are no sand and gravel excavations on the parcel (Tincher, 2000) . This parcel is not a former patented mining claim and was donated to the State in 1980 with covenants attached, including a non-development covenant (Montana Department of Fish, Wildlife and Parks, 1999).

Mineral Occurrence and Development Potential

The geology of the Frank Lake tract, Precambrian Belt series metasedimentary rocks overlain by glacial material, is unfavorable for the occurrence or development of leasable and locatable mineral resources. The potential for occurrence of sand and gravel type resources is identified as high, however, the potential for their development is rated as low. The glacial deposits on the tract could be utilized for some construction types of applications, however, these deposits are extensive in the area and would likely be exploited easier on nearby private lands if a need arose. The existence of a no development covenant that was included with the parcel when it was acquired by the State would also make development of any type more difficult. [Note: This covenant will be released if the land exchange is completed, however, the area is proposed to be designated as a special interest area by the FS.]

Sue Dalbey contacted the Kootenai NF District Ranger, Ed Monnig, (June 16, 2000) who indicated that the FS has no plans to develop this tract or improve roads; therefore there would be no changes to soil instability or geologic substructure. No actions in the proposed land exchange are foreseen that would impact unique geologic or physical features of the area. No changes are anticipated that would result in soil disruption, displacement, erosion, compaction or over-covering, which could reduce productivity or fertility. Changes are not likely to occur in the siltation, deposition or erosion patterns that could modify the shore of Frank or Summerville Lakes. The public would not encounter any new risk of exposure to earthquakes, landslides, or ground failures.

Air

Air pollutants and ambient air quality should not increase as a result of the change in ownership. Objectionable odors, changes in air moisture, temperature patterns, local or regional climate are not anticipated. No actions are foreseen that would conflict with federal or state air quality regulations.

Water and Flood Plains

Frank Lake is locally known for an excellent rainbow trout fishery; loons have returned to nest there for nearly eight years. The FS and FWP are committed to limiting actions which would negatively affect water quality and adversely affect wildlife habitat.

The FS will not develop Frank Lake tract nor plan on future actions which would result in negative impacts to surface water and ground water quality or quantities. Management of the site will remain unobtrusive; no alterations are expected to the water temperature, dissolved oxygen, or turbidity. Amount of surface water, drainage patterns and rates of surface runoff and the magnitude of flood waters are expected to remain as they have historically. Risks for contamination of surface water and groundwater should remain unchanged.

The change of ownership will not affect other water users, or existing water rights or reservations, of which none are known. County and state water and sanitation regulations will apply; new developments will be subject to review and approval. No discharges are predicted that would affect federal or state water quality regulations.

The **flood plain** was estimated (7.5 acres) using the U.S. Department of Housing and Urban Development, Federal Insurance Administration; Flood Insurance Rate Map: Lincoln County, MT, Unincorporated Areas, Panel 245 of 1100; Community-Panel No. 300157 0245 B; effective date August 1, 1980 provided by Karl Christians, DNRC Flood Plain Management Section Supervisor. Approximately 4400 feet of shoreline averaging about 75 feet wide comprises the FAS 100-year flood plain. The tract includes a portion of Summerville Lake, which is in the 500-year flood plain. Kootenai National Forest Hydrologist Steve Johnson confirmed this analysis to Bo Stuart, Helena National Forest Hydrologist (Flood Plain & Wetland Evaluation, January 10, 2001).

Vegetation, Wetlands, Prime & Unique Farmlands

Vegetative cover on this tract is mixed second growth conifers. The east and northeast slopes are predominately Douglas fir, with western larch in the more exposed slopes. This Tract has had a minor amount of timber harvest (less than 10 acres) occurring around the 1920's (Don Tincher, Fortine Ranger District, Hazardous Materials Report, June 1, 2000). District Ranger Ed Monnig stated that this tract would fall under Management Area 21, thus limiting future timber harvest and other activities on the property, which would influence vegetative growth.

Geoff Vevera, Forestry Technician on the Murphy Lake District, supplied the following estimates of average **timber** volume. He is familiar with the property and used aerial photos to substantiate his estimates. Average volume per acre based on similar commercial FS timber sales is 8-12 thousand board feet (MBF). Using an average of 10 MBF for the parcel would give a total volume of 880 MBF.

Species Mix: 80% Douglas fir, 15% Larch, 5% Spruce/Lodgepole Pine
Size Class: 75% 8-14” size, 25% 14-20” size.

Estimated average tree size is 12”. There are a few large Douglas-fir, Larch and Spruce.

The diversity, productivity or abundance of a plant species or plant community will not be impacted. Noxious weeds are not actively controlled by FWP on this remote tract. The low numbers of vehicles accessing this parcel help to limit the spread of noxious weeds. The FS would incorporate the site under their weed management program for the Kootenai National Forest.

The two plants listed under the federal Threatened and Endangered Species Act and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*), listed as a threatened species, is found west of the Continental Divide, but was not listed in the search conducted for the area by the Montana Natural Heritage Program. Ute Ladies'-tresses (*Spiranthes diluvialis*), also considered threatened, is found in river meander wetlands east of the Continental Divide. Spalding's Catchfly (*Silene spaldingii*) is under the threatened status, and though this species is found in the Tobacco Valley, its range includes open grasslands with rough fescue or bluebunch wheatgrass (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). The Frank Lake tract is timbered and does not provide suitable habitat for the Spalding's Catchfly.

The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Lincoln County. It is found in meadows in conifer forests within Glacier and Lake Counties, east and south of the Frank Lake tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.).

Guenter Heinz, Kootenai NF Wildlife & Fisheries Biologist at Murphy Lake District Office, determined from aerial photographs and personal knowledge of the site, that no **wetlands** occur on the Frank Lake tract (personal communication with Sue Dalbey, 6/2/00). This analysis was confirmed by Kootenai NF Hydrologist Steve Johnson to Bo Stuart, Helena National Forest Hydrologist (Flood Plain & Wetland Evaluation, January 10, 2001).

This site is entirely timbered and has no agricultural land, therefore FWP projects that no **prime and unique farmland** will be impacted by the exchange of Frank Lake.

Fish & Wildlife

Transfer of Frank Lake to the FS, administered by the Kootenai National Forest, will not affect critical habitat or the diversity and abundance of fish, wildlife and non-game species in the area.

Fisheries management of Frank Lake will continue to be guided by FWP biologists based out of Libby. Fisheries biologist, Mike Hensler, stated in a telephone conversation with Sue Dalbey (August 13, 1999) that fish species listed under the Threatened and Endangered Species Act will not be affected by the proposed land exchange. Pallid and white sturgeon, and bull trout do not inhabit Frank Lake. Sturgeon chub and sicklefin

chub are not found west of the Continental Divide. The arctic grayling (fluvial population) is found in the Big Hole River.

Hensler stated that rainbow trout are the primary species in Frank Lake. Approximately 10,000, two to four inch rainbow are planted in the lake annually. This management plan would continue if ownership of the FAS is transferred to the FS. Wildlife and Fisheries Biologist for the Kootenai NF, Guenter Heinz, indicated to Sue Dalbey (telephone dialogue, June 2, 2000) that the lake is highly alkaline. The lake is fed by underground springs and has low oxygen levels in the winter. He speculates that two or three boats may be on the lake on a summer weekend or perhaps five a week. Ice fishing during the December to February season may recruit three to four people daily.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. Many species are not present in this tract and may not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population), Eskimo curlew;

Threatened - grizzly bear, bald eagle (proposed for delisting) piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);

Proposed Threatened - mountain plover;

Candidates for listing as threatened or endangered - swift fox, sturgeon chub, sicklefin chub, arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog.

The FWP Endangered Species Coordinator, Arnold Dood, reviewed the properties involved and found the following species may use the areas involved in the Alberton Gorge Land Exchange: peregrine falcon, bald eagle, gray wolf.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed that bald eagles have been recorded in the area and common loons nest on Frank Lake. A pair of eagles nested within the Frank Lake tract in 2002 and produced one eaglet (Guenter Heinz written communication to Sue Dalbey, March 5, 2003).

The information regarding loons was confirmed in Sue Dalbey's phone conversations with Lynn Johnson, Kootenai NF Wildlife Biologist (August 13, 2000), and also with Tim Thier, FWP Wildlife Biologist (August 10, 2000). Loons have been known to nest on the lake for the past 6-8 years, however nests have been unsuccessful in the last several years due to disturbance by boaters around the island location. Johnson also indicated that the leopard frog inhabits the area and is federally listed as sensitive. Wildlife and Fisheries Biologist for the Kootenai NF, Guenter Heinz, added that an amphibian survey conducted in the area revealed that the western toad or boreal toad, the spotted frog, and tiger salamander are found in this area. The salamander is not rare in the

U.S., but is a unique species for this area of Montana. (Personal communication with Sue Dalbey, June 2, 2000)

Biologist, Tim Thier, indicated that this tract, in combination with the surrounding area, provides winter range for whitetail deer, moose, mountain lions, and black bears. He has reports of gray wolves in the area and there is potential for use by lynx. Heinz indicated that ospreys are often sighted in the area.

Tim Thier advised that the proposed land exchange is not expected to negatively impact wildlife, including any federally listed or candidate species or their designated critical habitat as long as the level of recreational use remains low.

Human Environment

Noise & Electrical Effects

Noise levels are not expected to increase with the completion of the land exchange. No known changes to electrostatic or electromagnetic conditions are predicted. The remote locale of this tract should not affect radio or television reception.

Land Use

The productivity and profitability of the Frank Lake tract will not be affected if ownership transfers to the FS. The Kootenai National Forest Plan supports the transfer and use of the area will not change. Current ownership by FWP poses an inconsistency of a small portion of state land adjacent to NFS land. This parcel is remote and the proposed action will have little effect on residences. Private owners in the vicinity will retain access to their property through a road easement exchange.

Risk & Health Hazards

Limited visitation and human use of the property present little risk of explosion or release of hazardous substances in the event of an accident. This property would be absorbed into the Kootenai NF management plans and added to any existing emergency response plan they have in place, including wild fire responses. Chemical toxicants, which may be used, would likely be for the control of noxious weeds or fire control.

Don Tincher, Hydrologist of the Fortine Ranger District, Kootenai NF, inspected the site on June 1, 2000 for the potential of **hazardous materials; no indication of hazardous materials were found**. He observed approximately 10 acres that had been harvested to a minor degree for timber. No other improvements, utility lines, or unnatural topographic features were apparent.

Community Impact

The human population in the area is not expected to change significantly. The remote character of this tract will not affect the social structure of a community, the industrial or commercial activity in the area. The public will retain ownership of the property, and therefore retain access to the site. Patterns of human movement to, from and within the site are not expected to change. Few, if any, capital improvements at this site will be

developed, unless needed for the protection of the site or public safety. Road conditions will remain much the same. Many visitors access Frank Lake using the existing FS gravel boat ramp on the north shore. This detracts visitors from the FWP property, which has no facilities.

Taxes

Payments in lieu of taxes by FWP were $38.80 in 1998. Total estimated payments to Lincoln County by the FS if the property is transferred, is estimated at $196, which includes approximately $9 in PILT revenue, and $187 from the 25% Fund. Lincoln County would slightly gain revenue of approximately $157, if the FS acquires Frank Lake.

Public Services, Utilities

The proposed action is not anticipated to change the level of governmental services required at the Frank Lake tract. Currently, the FWP provides few or no services. Utilities services are not available in the site. The FS will be responsible to provide any future services which will be limited to general maintenance to protect the recreational and cultural importance of the area.

The **roads** accessing the site are maintained primarily for a FS maintenance level two, for high clearance vehicles. The Frank Lake tract includes about 1.2 miles of internal road running the length of the property north-south. FWP has an easement across a road (approximately 0.2 miles) outside the southern property boundary to access the southwest corner of the property. This easement will be transferred to the U.S. if the exchange is completed.

No revenue is currently collected by FWP at this fishing access site. FWP maintenance costs are little to none. Ed Monnig, District Ranger at Murphy Lake, projects nominal budget increases will be required to maintain this parcel within the 300,000-acre-district. No revenue will be collected from the FS due to the acquisition of this tract. (Personal communication with Sue Dalbey, June 12, 2000.) Timber harvest will be restricted due to the Management Area 21 designation.

Few, if any, capital improvements at this site will be developed, unless needed for the protection of the site or public safety. Road conditions will remain much the same. Many visitors access Frank Lake using the existing FS gravel boat ramp on the north shore. Costs to maintain this site should be minimal.

Aesthetics & Recreation

Transfer of the Frank Lake property the FS will continue preservation of this scenic area and aesthetically pleasing recreational opportunity. It is close to Eureka and provides a valuable public resource for fishing, boating, picnicking and nature walks.

This tract is not in a designated wilderness area, nor is it part of a wild or scenic river or trail. It is proposed as Management Area 21 under the Kootenai NF Plan, which will protect this tract from future exploitation.

Cultural & Historical Resources

At the time of FWP purchase, in 1980, there were no historical or archaeological sites located on or near the site as listed in the National Registrar of Historic Places. FS has more stringent regulations regarding the handling of historic sites than does FWP. The responsibility of stewardship will be transferred to the FS and the site will be given the required cultural protection under federal law.

Kootenai National Forest Archeologist, Nancy Anderson, conveyed to Sue Dalbey (telephone dialogue June 21, 2000) that the Frank Lake tract is adjacent to a burned railroad trestle used around 1917-1919 to transport logs to the Eureka Lumber Company during their peak period of production. Portable sawmills were also utilized near that time period, and the Frank Lake tract may have remains of these operations. The Special Interest Designation will aid in protecting this historic resource for the public.

The Confederated Salish and Kootenai Tribes, Tribal Historic Preservation Office, were notified of this exchange in November 1999, and no objections were received.

Evaluation of Mitigation or other Control Measures

If a portion of the overall Alberton Gorge Land Exchange fails, this proposal to transfer Frank Lake FAS to the FS will likely fail as well.

The original owner from whom FWP purchased the property, placed several restrictions on the property at the time of purchase. The owner has signed a notorized release on these restrictions at the time of closing, thus giving the FS a clear, unrestricted title.

FWP REGION 5 OLD HEADQUARTERS TRACT E

FWP REGION 5 OLD HEADQUARTERS - TRACT E

Introduction

This area, located at 1125 Lake Elmo Drive, in the populated Billings Heights, was acquired in 1936. This facility was originally used as a state pheasant propagation farm. It later housed the offices for Montana Fish, Wildlife & Parks, Region 5-Billings, until 1990, when offices were moved to a new facility. The old compound is primarily vacant, but also serves as storage for regional equipment. The majority of the grounds/buildings are not used and are becoming a liability for the agency to maintain.

It is proposed that this property be transferred to River Network as part of the Alberton Gorge Land Exchange described in this Draft Environmental Assessment. River Network will subsequently sell the tract to obtain funds to help cover its costs in purchasing the Alberton Gorge property.

It is possible that Region would like to retain Parcel 4 (described below) for storage of equipment and materials, because there is not adequate storage at the new facility. Access to this parcel of the old compound is primarily attained by driving through Parcel 1. Access would need to be considered if the other parcels are sold as proposed, as this would leave Parcel 4 "land-locked." This is a flexible option depending on the buyer's need for tract; replacement FWP storage facility would be considered on an individual basis to facilitate disposal of the property, if necessary.

Property Description

The following technical information is from the Appraisal Report completed by T. Moss & Associates, Billings, MT for FWP, July 16, 1998.

This tract is located in the Billings Heights, approximately 2.5 miles northeast of the Billings central business district. The property fronts Lake Elmo Road which is a two-lane paved road, considered a "collector street" in the Billings Transportation Plan, and is one block west of Highways 87 and 312 running north/south through the Heights area.

Township 1 North, Range 26 East
Section 22, NW ¼ SE ¼
Tract 1, Certificate of Survey No. 979
Yellowstone County, Montana
Total acreage = 3.17 acres

The entire acreage is developed, including two residences, the old arched corrugated steel office building, garage/shop facility, and 8600 square feet (s.f.) of asphalt paved parking, chain link fencing, and mature landscaping. For appraisal purposes of "best use" and determining value, the property is broken into four parcels as shown in the Site Plan. Parcel 1 contains the main headquarters building (3,136 s.f.) and large paved parking

MAP 7. FWP Region 5 Old Headquarters - Billings Heights Neighborhood

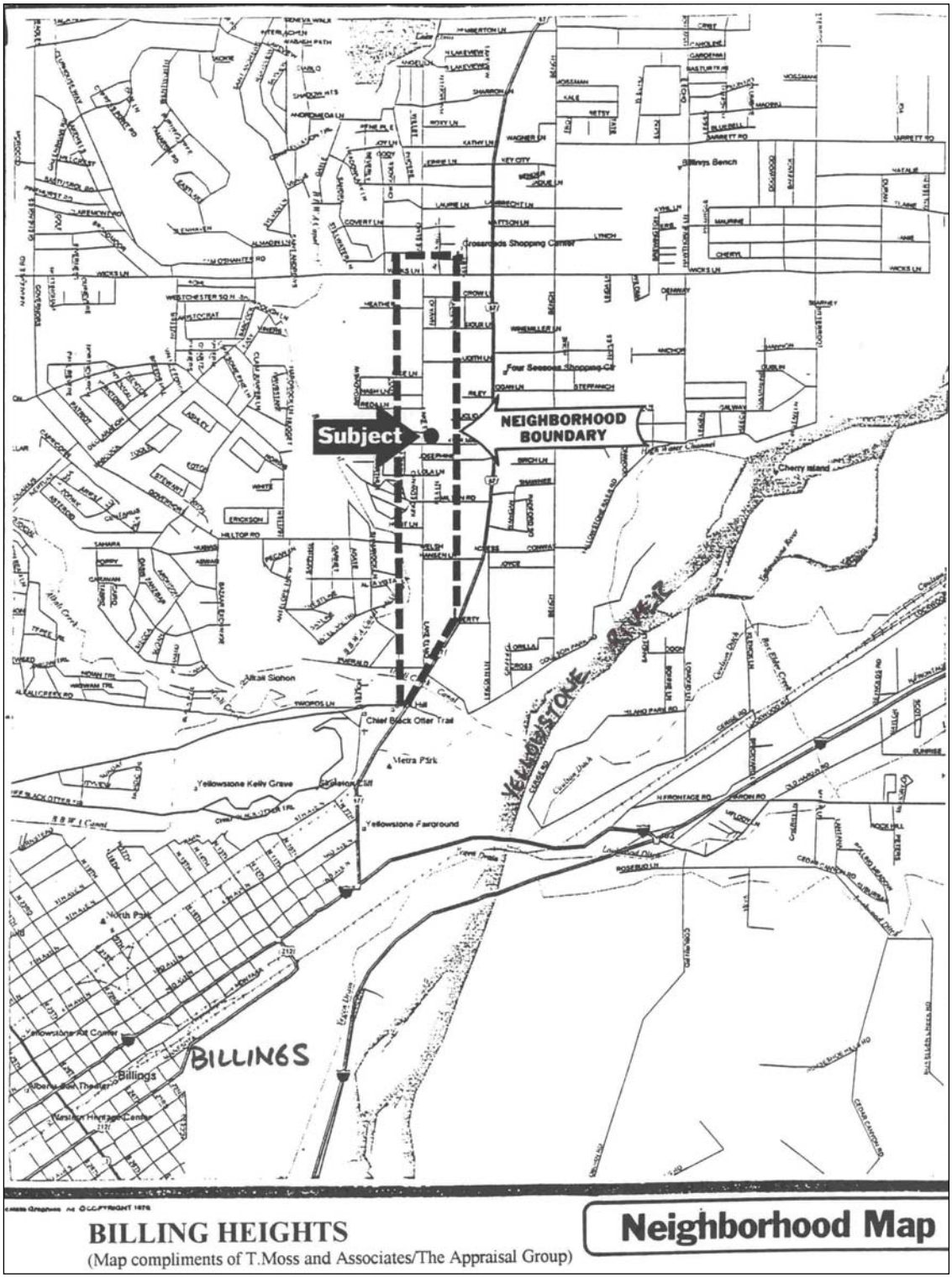
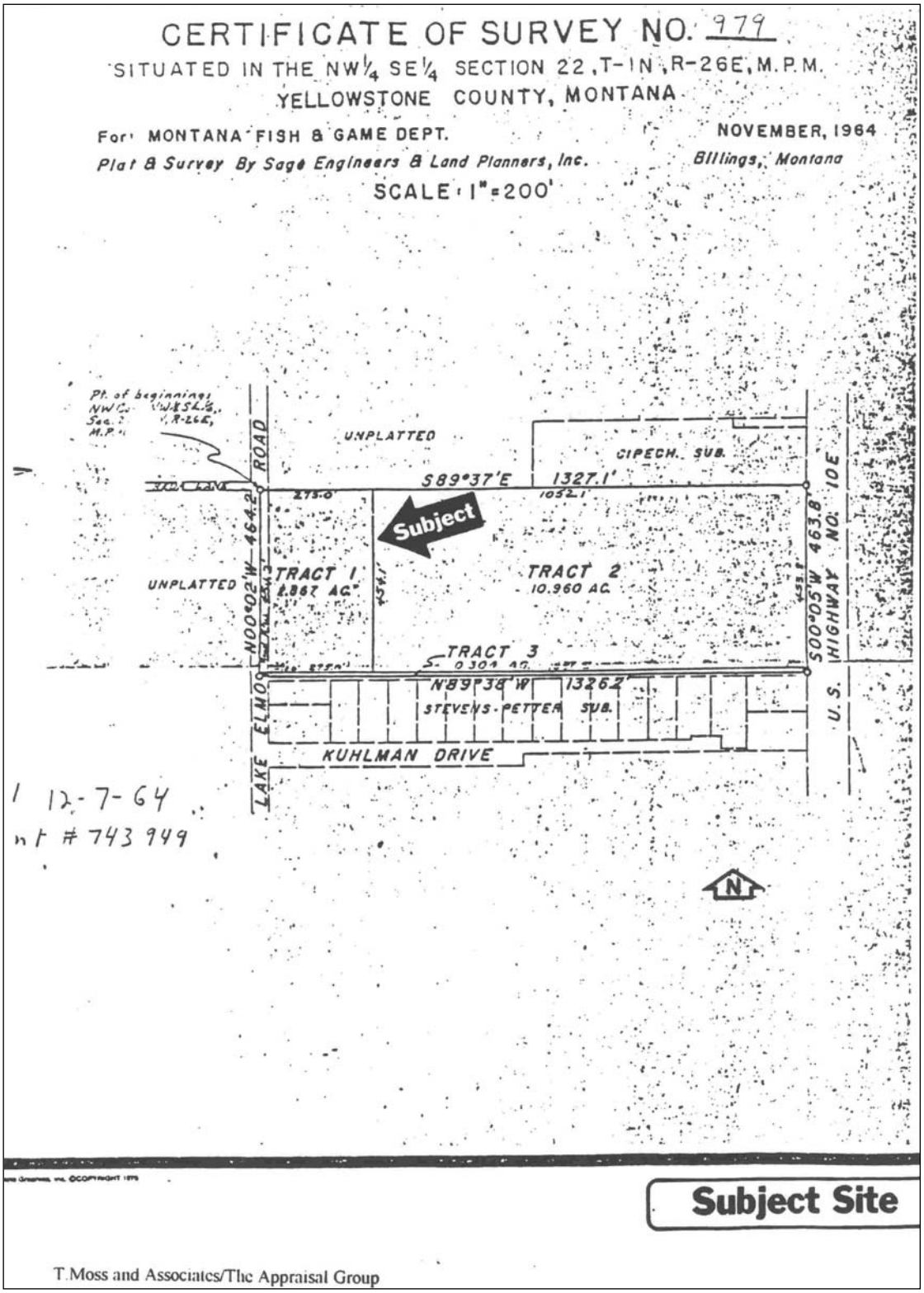
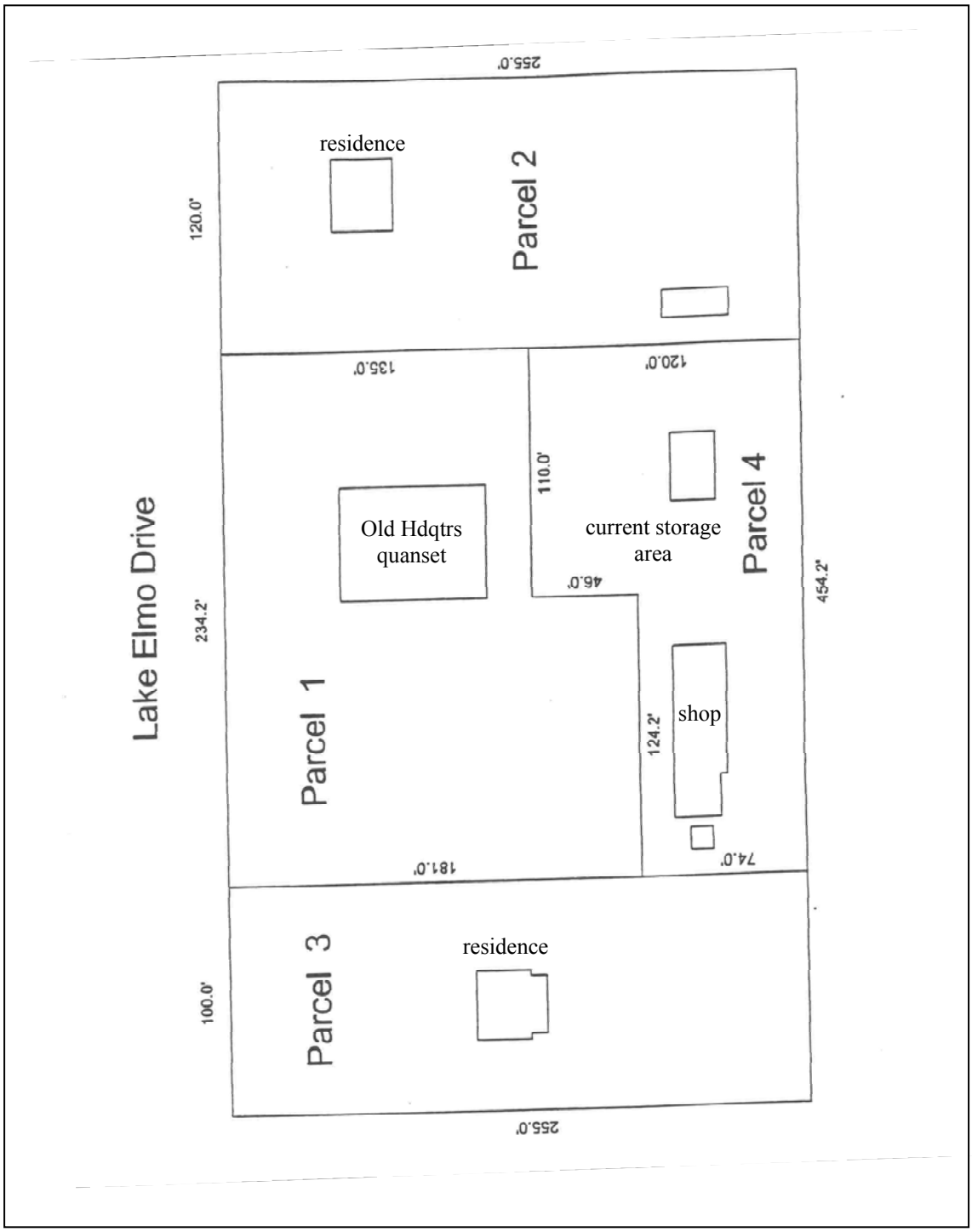


FIGURE 7. FWP Region 5 Old Headquarters - Subject Site



T.Moss and Associates/The Appraisal Group

FIGURE 8. FWP Region 5 Old Headquarters – Site Plan



(Base) Site Plan provided by T.Moss and Associates/The Appraisal Group

area. The metal building was built around 1956 and, since being vacant for 12 years, is in need of general repair.

Residences occupy parcels 2 and 3, which have Lake Elmo Rd. frontage. Both wood frame residences were built in 1936 and have less than 900 s.f. of living space on one level with nearly full, unfinished basements. The residences have asbestos shingle siding and composition shingle roofs. The northern residence is leased, and currently occupied by an FWP employee who also maintains the grounds. A single-car garage structure on Parcel 2 has depreciated highly.

Parcel 4 is a fenced storage yard consisting of approximately ½ acre, including a 1,767 s.f. garage/shop facility with concrete floor. This structure, too, was built in 1936, with an addition constructed later. A second 600 s.f. wood frame storage building with a 100 s.f. cellar is on this parcel.

Natural gas, electrical power, telephone services, and public water are available at the site. The site facilities continue to use existing septic systems, though sanitary sewer service has been extended to the area. A private well is utilized for lawn maintenance purposes.

The Region 5 Old Headquarters tract is zoned Residential Multifamily – Restricted (RMF-R). This classification allows up to 74 multifamily residential units on this site, or the development of such things as single family residents, schools, and a publicly owned community center. Special reviews by the city zoning committee could allow a hospital, church, day care center or public service installation.

The property appraisal conducted by T. Moss & Associates suggests that a zone change must occur to legally accommodate alternative types of land uses (commercial). The appraiser indicates that the highest net return would be to subdivide the property into parcels that correspond with the individual "use types" (parcels 1-4 listed above) and market those properties separately. If the property is considered vacant, the highest net return may be to develop some type of public use or alternative use, subject to special review, such as a day care center or nursing home. Another option may be to divide the parcel into smaller units to accommodate single family or smaller multifamily development.

River Network would like to sell this property quickly to return their investment in the Alberton Gorge River Corridor. If River Network is unwilling to find a buyer, however, River Network may consider requesting city approval for a different zoning classification.

ENVIRONMENTAL REVIEW

The general predictions made concerning potential and likely use are based on development allowed by current zoning and the most profitable options for a future developer as underlined above from the appraiser's report. It is probable that all or some of the existing buildings will be demolished, and new residential building(s) constructed.

Physical Environment

Land Resources

In January and February, 1995, Tetra Tech, Inc. performed a Phase I and limited Phase II Environmental Site Assessment of the Region 5 Old Headquarters. The facility's drum storage area (within Parcel 4 listed above) was noted as an area of concern due to staining and odors at the surface. Soil samples collected from a test pit in the stained area detected contamination from diesel fuel and a chemical deodorant used for cleaning latrines at FWP sites. In September 1995, one monitoring well was installed to collect soil and ground water samples, which would determine the vertical extent of contamination. The results of the sampling revealed that soil contamination was limited and that soil removal was a viable remedial option.

On April 8, 1996, the contaminated soil in the drum storage area (8' x 8'x 9'deep) was removed, disposed off site, and filled with clean material. Additional soil samples were taken after excavation and analyzed for diesel range organics and semi-volatile organics. *All levels were below regulatory levels of concern and did not pose a threat to human health or the environment.*

Due to its location within the Billings city limits, however, it is possible that typical demolition of the current buildings and subsequent above-ground construction will occur. Soils will be disrupted, displaced, compacted and covered over during demolition and construction of new structures. It is unlikely that further significant changes to the geologic substructure, soil stability or modifications of major physical features will occur. The land features are generally level and will tie into city drainage plans.

It is likely that the entire site soils have been disturbed during sometime during FWP ownership. Construction on this urban tract is considered a minor impact on this urban, man-altered site.

Air

If the old headquarters tract is purchased by a developer, demolition of the existing buildings, new landscape grading, etc, may temporarily emit air pollutants (dust). Special care should be taken to contain asbestos, which may be emitted if the owner demolishes the two residences with asbestos shingle siding; this may require a permit. Residential structures will not greatly alter air movement, moisture, or temperature patterns, or emit high amounts of air pollution.

Water and Floodplains

In September 1995, one monitoring well was installed to collect soil and ground water samples, which would determine the vertical extent of contamination in the drum storage area of Parcel 4. The results revealed that g*round-water impacts were minimal and remediation of the ground water was not necessary.*

This tract is within the city limits and any new construction would be subject to city-wide regulations. Due to the small size of this tract (3.17 acres), existing drainage patterns, flooding potentials, groundwater or surface water quantities are not expected to be altered. Discharge is unexpected that will affected federal and state water quality standards. Public water and sewer services are available at the property. One private well occurs on the tract, which is currently used only for landscape irrigation.

Karl Christians, DNRC Floodplain Management Section Suupervisor, confirmed to Sue Dalbey (Federal Insurance Administration, Flood Hazard Boundary Map review on June 13, 2000) that this property is not in a designated 100 year **floodplain**.

Vegetation, Wetlands, Prime & Unique Farmlands

The existing vegetation consists of mostly mature decorative lawns, shrubs and trees around the two residences of Parcels 2 and 3. There is no agricultural land on site. Weeds are controlled under the Region 5 Weed Management Plan in cooperation with the County Weed Board. It is anticipated that the large cottonwood trees on the parcel would remain for aesthetic purposes if they are healthy.

Lawns could be replanted if disturbed during construction or demolition. Weed control will be the responsibility of the individual landowner.

A search by the Montana Natural Heritage Program did not reveal any vegetative species of special concern in the vicinity. Water Howellia (*Howellia aquatilis*) is specifically found west of the Continental Divide. Ute Ladies'-tresses (*Spiranthes diluvialis*) is in river meander wetlands primarily found in Jefferson County. Spalding's Catchfly (*Silene spaldingii*) is under the threatened status, however, this species is found in western Montana (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). The US Fish and Wildlife Service also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species; however, it is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of Yellowstone County (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002). These species have not been recorded on the Region 5 Old Headquarters tract and will not be impacted by the proposed exchange.

The site has been entirely altered in the past, and FWP determined that this urban tract does not contains **wetlands**.

The site is a small urban tract with residences surrounding it; no **prime or unique farmland** will be impacted by the sale of this land.

Fish & Wildlife

Fish do not inhabit this tract, as no body of water exists on the property. Adverse effects to the wildlife in the area are not expected because the site is within an urban area and it is not prime habitat for wildlife. White-tailed deer may travel through the area temporarily from nearby fields. Some small, non-game species and birds may be displaced if the fringe vegetation is diminished due to further development.

The Montana Natural Heritage Program identified four species of special concern, all of which were last recorded at least one mile from the property discussed. Three of the species are documented over 3 miles from the site. The peregrine falcon has been seen along the rims of Billings and may re-occupy a hsitoric eyrie. The western hognose snake (*heterodon nasicus*) was last observed in 1909 in the Billings area, as well as the milk snake (*lampropeltis triangulum*) in 1971. The spiny softshell (*trionyx spiniferus*) is known to inhabit the Yellowstone River between Billings and Intake. The Old Region 5 Headquarters is about 1 mile from the Yellowstone River, and it is highly unlikely that future development at this site would impact these species.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);

Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);

Proposed Threatened - mountain plover;

Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);

Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

Due to the urban nature of the tract, none of the above species inhabit the tract, nor provide critical habitat. It is unknown, however, whether future development on the property would affect habitat in the vicinity.

Human Environment

Noise & Electrical Effects

It is very probable that a new owner will need to renovate the existing buildings, or demolish them and build new facilities, regardless of future use of the site. This construction will temporarily increase noise levels. Long-term noise would increase due to increased vehicular and human traffic at an active site, whether it is residential or commercial. Electrostatic or electromagnetic impacts are unlikely, as is the potential for radio or television reception interference.

Land Use

Sale of this property to a private entity will probably increase the productivity and worth of the area by increasing property values. It is not a designated natural area, and is slowly depreciating because FWP is not actively using these facilities (except for a small storage area and lease of one residence). Current zoning restrictions are intended to correspond with the character of the area and control future development patterns. This area tends to be an older residential area consisting primarily of a mixture of single family, mobile home and multi-family residential improvements. The proposed Billings Master Plan designates this as a medium to high-density residential area, with few opportunities to accommodate commercial activity. If land use remains similar to the surrounding area, it is unlikely that that would cause neighbors to relocate.

Risk & Health Hazards

Future risk of an explosion or release of hazardous substances are not anticipated if proper precautions are implemented during construction or demolition. Asbestos siding is the only presence of chemical toxicants on the site. As discussed above, the Environmental Site Assessment did find contaminated soils, but levels were not considered hazardous. The soils most contaminated were removed and all areas sampled were below regulatory levels.

Slight changes, additions to, or a new internal emergency evacuation plan may need to be developed if multi-family residential units are built on the property, or if approval is received to develop a day care, church, or nursing home facility.

Community Impact

Development according to the current zoning of this property as Residential Multifamily – Restricted would raise the human population density in the immediate area, compared to its current vacant state. Social structure of the community may slightly change, and the community income may change, due to the property being inhabited, rather than vacant. Industrial activity is likely to temporarily increase due to the remodeling of existing improvements or demolition and new facility construction. More residential units will increase the traffic flow in the immediate area, but would not be significant in the overall Billings Heights.

Taxes

FWP paid $6,269 in property taxes in 1999, similar to private party taxation. The Region 5 Old Headquarters buildings are old and in poor condition. New facilities, if built by the new owner, may provide higher tax income to Yellowstone County, but would be dependent on the structures placed on the property.

Public Services, Utilities

Assuming the new owners will develop the property with single or multi-family residential units, there will be an increased need for governmental services such as: fire & police protection, water supply, sewer and solid waste disposal. The property does have all major utilities available including city sewer, however the existing septic lines are still used. A large facility may use a significant amount of energy, particularly natural gas or electricity used for heating during winter months.

The FWP Region 5 Old Headquarters tract contains no **roads**. The property includes short driveways to residential parking areas and the main paved parking lot for the vacant office building and storage buildings.

River Network will be selling this tract on the open market. Based on the current zoning, revenue for the sale by fee title, may come from a private individual, private group or a public entity. This revenue will be used by River Network to recover funds used to purchase the Alberton Gorge River Corridor from NorthWestern Energy.

Future maintenance costs will be incurred by the new owners; costs would be dependent upon the facilities retained, repaired or newly constructed on the property.

FWP does not collect revenue from the parcel.

Aesthetics & Recreation

Minor changes to the area can be expected by simply having the entire parcel actively used and inhabited. Many residential developers would leave the larger landscaping, such as trees and large bushes to provide some privacy, aesthetic and scenic character to the property. Development of the property in a manner that coincides with current area development could add to the aesthetic value of the area, in that after twelve years of vacancy, the facilities are becoming tattered and dilapidated. This site no longer provides the recreational or tourism opportunities that it did as a Fish, Wildlife & Parks Headquarters - the hub for regional hunting, fishing, and parks information. The sale of this tract will not affect a wild and scenic river, trail or wilderness area. The site does not offer any formal public recreation purpose; an occasional skateboarder or young bicyclist may use the parking area. It is unlikely that recreational opportunities will increase after purchase by a private party.

Cultural & Historical Resources

This property has some nostalgia as an old pheasant farm, though few remnants remain to indicate its past use. This site does not contain any religious or sacred uses. FWP has contacted the SHPO regarding the transfer of the site and documented (photos, etc) any

historic remnants on the site. This is not considered an undertaking for FWP due to the lack of historical significant remains of the old pheasant farm.

Evaluation of Mitigation or other Control Measures

River Network has agreed to re-convey this land to recover funds invested for the Alberton Gorge recreation corridor.

The City of Billings will oversee and approve/disapprove of plans, rezoning, or subdivision proposed by the future owner.

NATURAL BRIDGE
TRACT F

NATURAL BRIDGE - TRACT F

Introduction

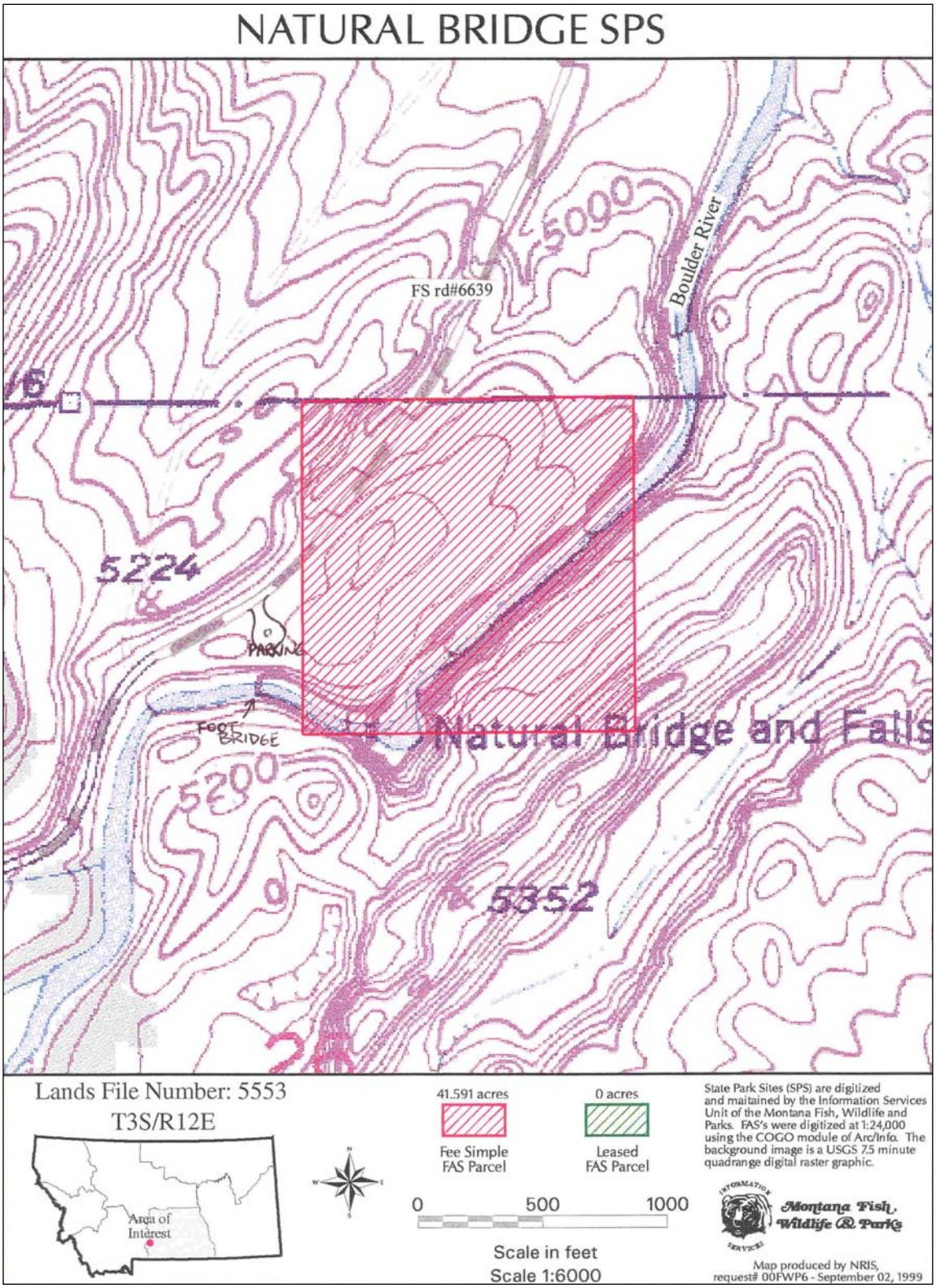
FWP has owned this site since 1965, soon after the parks division was transferred from the Department of Highways over to the Fish and Game Department. The site is famous for a limestone cave, and natural bridge, through which the Boulder River flowed, before the bridge fell in 1988. The water currently disappears under ground at the prior bridge location and reappears downstream of the drop that creates a beautiful falls during high water years. The Natural Bridge site is located within the Gallatin National Forest, and is accessed via a good graveled county road approximately 25 miles south of Big Timber. Five more miles south along the county road provides access to the Absaroka Wilderness Area and several trailheads. Natural Bridge is quite popular for area residents to picnic, sight-see and to tour with out-of-state friends and relatives; several movies were filmed in the area and weddings performed at the site.

This land exchange proposes to transfer title of this property to the FS to be administered as part of the Gallatin National Forest. The FS has numerous recreation sites up the Boulder River and a District Ranger Station in Big Timber. It would be practical to absorb the Natural Bridge tract in with the surrounding FS property since the agency has other management responsibilities in the same area. The Gallatin National Forest currently manages the site, with little physical or financial support from FWP. The nearest FWP park administrator is in the Billings Regional office, therefore, this recreation site does not get the supervision it needs from FWP to protect the resources and improvements in place.

The recreation site includes FWP and adjacent FS properties, but was jointly developed using primarily Land and Water Conservation Funds in 1978. The primary facilities are on FS property, including a gravel parking area, latrines and picnic tables, several interpretive signs, laminated foot bridge, and about 200 feet of nature trails. Existing features on the FWP property include fencing, approximately 1500 feet of nature trail, five interpretive signs, five interpretive overlooks to view the waterfall, pool below, and crevice above the falls. The trail is not designed to meet Americans for Disabilities Act guidelines, and public safety hazards exist on site due to 100 foot cliffs, according to Frank Cifala, Gallatin NF Resource Assistant in Big Timber. All improvements will be transferred to the FS in this exchange.

According to a letter from the FWP Region 5 Parks Manager, Ray Berntsen (now retired) to the Parks Division Administrator, dated February 19, 1998, FWP has done very little at the site, especially in the last five years. The potential for this tract to be transferred to the FS was brought up in 1987, and both parties were receptive to the idea and managed the site in anticipation of this happening since that time. The FS has included the site in their recreation plans for the Gallatin NF and the FS is completing all the maintenance needs. Most visitors are not aware of the dual ownership at the site.

MAP 8. Natural Bridge State Park



Note that FWP Lands records and this EA indicate 40 total acres for this tract; this digitized FWP map shows 41.591 acres.

Berntsen's recommendation to the Parks Division was to implement a long term (50-100 years) lease with the FS if a land transfer cannot be completed.

The FS does have an easement (in perpetuity at no charge) of about 1.79 acres from FWP to accommodate the main road (0.1 miles) that parallels the Boulder River, accesses the Absaroka Wilderness, and other FS recreation areas upstream.

Frank Cifala, Gallatin NF Resource Assistant in Big Timber, indicated that the FS has no immediate plans to further develop the site or change the use of the site, but there are plans for a major maintenance project to improve the trail to meet the Americans with Disabilities Act accessibility standards and possibly replace the interpretive panels. The FS has recently replaced the latrine and put in new picnic tables.

Property Description

The Natural Bridge tract is easily accessible via State Highway 298 and maintained gravel county road. The site is approximately 25 miles south of Big Timber.

Township 3 South, Range 12 East
Section 26, NW ¼ NE ¼
Sweet Grass County, Montana
Total acreage = 40 acres

The main fork of the Boulder River flows northeasterly through the eastern 1/3 of the parcel for a distance of about 3800 feet. The Boulder River is a tributary to the Yellowstone River. Frank Cifala characterizes the site (personal communication with Sue Dalbey, June 8, 2000) with steep rock cliffs that rise abruptly from the river's edge, creating a 100 feet deep canyon on much of the tract. The soil on the tract is dry and rocky, therefore the diversity and density of vegetation is limited. The rolling, openly forested tract includes limber pine, lodgepole pine, and Douglas fir.

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

(The following **minerals** information is from the Mineral Potential Report prepared for the Alberton Gorge Land Exchange and can be obtained from the U.S. Forest Service, Region 1 office in Missoula.)

The mineral estate on the Natural Bridge tract is owned by FWP and will be transferred to the FS if the Alberton Gorge Land Exchange is completed.

<u>Geology, Mineralization and Mineral Activity</u>
The Natural Bridge tract is located within the northern Beartooth Mountains, part of an uplifted, Laramide style, fault block mountain range that is underlain by Precambrian crystalline rocks. The Natural Bridge area is located along the northern flank of the

Beartooth range within Mesozoic age sedimentary rocks of the Madison Group through younger Cretaceous sedimentary rocks. The primary lithology of the Madison Group includes massive and layered limestones of Mission Canyon and Lodgepole formations. The parcel lies between two elongate east-west trending structures, the Mission Creek anticline and the Nye-Bowler Lineament or Stillwater Anticline on the southernmost edge of the Crazy Mountains Basin. These features are related to the uplift of the Beartooth range and have been explored for oil and gas (Walsh, M.H., 1957).

The Natural Bridge tract is underlain by limestones of the Madison Group, which occur as cliffs alongside the Boulder River. The tract straddles the Boulder River. The lands of this tract were acquired by the State of Montana in 1965. This tract was not a patented mining claim. There is no evidence of prospecting activity or mineralization on the parcel, with the exception of black sands found in the stream sediments, washed down from upstream sources.

Mineral Occurrence and Development Potential

The geology of the Natural Bridge tract is moderately favorable for the occurrence of oil and gas deposits and exploration wells have been drilled along the anticlinal structures that occur west and east of the parcel. Shows of oil and gas have been found in these wells, however, no large fields have been discovered. The nearest well to the parcel is approximately 6 miles northeast and was a dry hole (Walsh, M.H., 1957). The potential for development for oil and gas on the parcel is low due to its development as a recreation facility, its location straddling a major river, and its small size. The potential for occurrence of locatable and salable minerals is low due to the lack of favorable geology. The potential for their development is also low, for the reasons identified above regarding leasable mineral deposits.

The Boulder River flows over and through bedrock outcrops of the Madison Limestone Formation. The geologic formations at this site are what make it unique. The FS Resource Assistant, Frank Cifala, does not foresee any major development or management changes in the Natural Bridge area if the FS were to assume ownership of this 40 acre tract. In the future, the FS plans to reconstruct the existing trail to provide easier access, address visitor safety concerns, and comply with the Americans with Disabilities (personal communication with Sue Dalbey, June 8, 2000).

Changes in soil stability or geologic substructure are not anticipated. No impacts would occur to unique geologic or physical features of the area. Slight changes may occur in the future that would result in soil disruption, displacement, erosion, compaction or over-covering, which could reduce productivity or fertility. This would include maintenance to the area in an attempt to bring the trails up to ADA standards.

Man-made changes are not likely to occur which would alter the siltation, deposition or erosion patterns that could modify the channel of the Boulder River or bed. The canyon walls are highly weathered and jointed which cause portions of the walls to naturally break loose and drop into the river bed below. The public would not encounter any new

risk of exposure to earthquakes, landslides, or ground failures. Developed trails do not lead into the canyon, but allow visitors to view the formations from above.

Air

Use of the Natural Bridge tract will not change because of ownership by FS. Air pollutants and ambient air quality should not increase as a result of the change in ownership. Objectionable odors, changes in air moisture, temperature patterns, local or regional climate are not anticipated. No actions are foreseen that would conflict with federal or state air quality regulations.

Water and Flood Plains

The FS intends to manage the site as they have the last ten years. No negative impacts to surface water and ground water quality or quantities will occur due to the change in ownership. No alterations are expected to the water temperature, dissolved oxygen, or turbidity. Amount of surface water, drainage patterns and rates of surface runoff and the magnitude of flood waters are expected to remain uninhibited. Risks for contamination of surface water and groundwater should remain the same.

The change of ownership will not affect other water users, or existing water rights or reservations, of which none are known. No discharges are predicted that would affect federal or state water quality regulations.

No sources are known to impact the water quality, though the closest water monitoring station is approximately 3.5 miles upstream from the tract(*Watershed/Floodplains Resource Report*, EA Engineering, Science, and Technology, November, 1992.). Frank Cifala estimates that about 90 percent of the upstream watershed is located within the Absaroka-Beartooth Mountain Wilderness Area.

The Natural Bridge tract includes vertical rock canyon walls along the Boulder River throughout the state parcel. The DNRC has not identified designated flood hazards or **flood plains** on the Natural Bridge tract, according to Karl Christians, DNRC, Flood Plain Management Section Supervisor (Federal Insurance Administration, Flood Hazard Boundary Map review with Sue Dalbey, June 13, 2000). Gallatin National Forest Hydrologist Mark Story confirmed this analysis to Bo Stuart, Helena National Forest Hydrologist (Flood Plain & Wetland Evaluation, January 10, 2001).

Vegetation, Wetlands, Prime & Unique Farmlands

The vegetation in this area is characterized by limber pine, lodgepole pine and douglas fir forest. The diversity and density of the vegetation is limited by the steep, dry rocky conditions. Approximately 35 acres of the tract are rolling and open, with scattered timber, as estimated by Frank Cifala, Gallatin NF Resource Assistant in Big Timber (personal communication with Sue Dalbey, June 8, 2000). Timber volumes and old growth potential were not determined since this resource will be protected under the individual Forest Plans and federal protection law.

FS has management goals and practices similar to FWP. Activities are not anticipated that would affect the diversity, productivity or abundance of a plant species or plant

community. Noxious weeds are not actively controlled by FWP on this remote tract. Vehicles cross the FWP parcel only at the northwest corner, thus limiting the spread of noxious weeds. Frank Cifala reports (personal communication with Sue Dalbey, June 8, 2000) that there are over a dozen patches of leafy spurge on both sides of the river. FS will incorporate the site under their weed management program for the Gallatin National Forest.

The federally listed (threatened) plants and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*) is specifically found west of the Continental Divide. Ute Ladies'-tresses (*Spiranthes diluvialis*) is in river meander wetlands primarily found in Jefferson County. A records search by the Montana Natural Heritage Program revealed no vegetative species of special concern or threatened or endangered species. Spalding's Catchfly (*Silene spaldingii*) is under the threatened status; however, this species is found in the Tobacco Valley and the Upper Flathead River drainage (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species; however, it has not been found in Sweet Grass County. It is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of the Natural Bridge tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002).These species has not been recorded on the Natural Bridge tract and will not be impacted by the proposed exchange.

Natural Bridge does not contain jurisdictional **wetlands,** according to Frank Cifala, Gallatin National Forest Resource Assistant in Big Timber, based on personal knowledge of the site. The Boulder River lies within vertical rock canyon walls for the entire length of the state property, with little or no soil or vegetation along the river (personal communication with Sue Dalbey, June 8, 2000). Gallatin National Forest Hydrologist Mark Story confirmed this analysis to Bo Stuart, Helena National Forest Hydrologist Story also noted to Stuart that this tract does contain 0.57 acres of riverine wetland as classified by Cowardine (Flood Plain & Wetland Evaluation, January 10, 2001).

This site is openly timbered with no agricultural land present, therefore FWP projects that no **prime and unique farmland** will be impacted by the proposed land exchange.

Fish & Wildlife

Transfer of ownership to the FS will not likely affect critical habitat or the diversity and abundance of fish, wildlife and non-game species in the area.

FWP Fisheries Biologist based in Columbus, MT, Mike Poore, states that his crew samples the Boulder River up and downstream of Natural Bridge. The falls is a natural barrier to fish coming up from the Yellowstone River. The mile-long sampling section is about 6 miles below the falls and typically contains 1200-1700 trout per mile. Brown trout make up about 80% of the total trout, and 20% are rainbow trout. The mountain whitefish population is strong.

The upstream sample section on the Boulder River is about 1½ miles from Natural Bridge and reveals a high population of rainbow trout. Electroshocking sampling methods have uncovered 273 rainbows/mile over 13 inches long during the spring spawning periods. Fall snorkeling is probably a more accurate overall method of determining the area fish population, which yielded 145 fish (over 13inches) per mile in 1995. This may be more illustrative of the fish population upstream and near the Natural Bridge, according to Poore. Brook trout are found above the falls and upstream; some yellowstone cutthroat occur closer to the headwaters.

Mr. Poore felt that the land transfer to FS would not negatively impact angler access or the fish populations in the Boulder River. No species of special concern, or threatened or endangered fish species occur in this section of the river. Bull trout and white sturgeon do not inhabit waters east of the Continental Divide. The pallid sturgeon do not inhabit the Boulder River drainage. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River farther east in Montana, not in this section of the Boulder River. The arctic grayling is not found in this area.

The Absaroka-Beartooth Wilderness boundary is only five miles south of the Natural Bridge tract. Human activity is not expected to increase in the area due to the transfer of ownership, thus wildlife populations will not likely be additionally stressed. FWP wildlife Biologist, Claire Simmons does not expect the proposed land trade to negatively impact wildlife in the area. The FWP tract is not specifically important as winter range, however the surrounding area is used by whitetail deer, mule deer, elk, and black bear. Gray wolves likely drift through the area and lynx are present in the upper Boulder drainage, therefore may also use this lower area from time to time. Peregrine falcons are known to use the area and the FS tried to develop a hack site in the mid-1990s. Simmons noted that bald eagles are primarily found lower on the Boulder, however he has seen the eagles farther south than Natural Bridge in the winter, utilizing road kill and in search of other winter food. There are no nesting sites nearby.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

- Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);
- Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);
- Proposed Threatened - mountain plover;
- Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);

Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

EA Engineering, Science and Technology prepared the *Threatened/Endangered Species Resource Report* in November, 1992 for the FS, which revealed the following occurrences of threatened or endangered species near the Natural Bridge tract. The site has habitat that could support the endangered Gray wolf, however no sightings have been recorded on the site. The USFWS indicates that the endangered peregrine falcon and bald eagle have the potential to use this area because the tract is within their range during spring and fall migration. Peregrine falcons are known to use the area. Grizzly bears (threatened) have the potential to use the area due to the available habitat, but there is no documentation indicating their current use. Osprey have also been seen near the tract.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System, August 1999) revealed that the immediate vicinity was originally mapped as a historic peregrine falcon eyrie with a high potential for re-occupancy. A hack box is located near the land tract.

The search by NRIS also identified the *discus shimeki,* or striate disc, present on the limestone canyon walls in the area. This species is globally apparently secure, however in Montana, it is critically imperiled because of extreme rarity. Access into the canyon is difficult due to the steep canyon walls, and use of the site will not change, therefore impacts are unlikely to this specie.

Frank Cifala, discussed with Sue Dalbey (personal communication August 12, 1999) that management practices of the Natural Bridge tract will likely remain as it has in the last 10 years, if the FS acquires title to the property. Given this information, Biologist Claire Simmons does not expect the proposed transfer of Natural Bridge to the FS, to negatively impact any species listed under the federal Threatened and Endangered Species Act, Candidate species, their designated critical habitat, or other wildlife found near the tract.

Human Environment

Noise & Electrical Effects

Noise levels are not expected to increase with the completion of the land exchange. No known changes to electrostatic or electromagnetic conditions are predicted. The remote locale of this tract should not affect radio or television reception.

Land Use

The productivity and profitability of the Natural Bridge tract should not be affected if ownership transfers to FS. The transfer corresponds with current natural and recreation area designations in the Gallatin National Forest. Current ownership by FWP poses an inconsistency of a small portion of state land in the middle of NFS land. Most visitors

believe the entire site is owned by the FS. The proposed action will have little effect on private residences upstream and downstream, as it will remain as a public access.

Risk & Health Hazards

This property would be absorbed into the Gallatin National Forest Plan under Management Area 1, which includes all developed campgrounds, picnic areas and potentially developed sites. It will be added to any existing emergency response plan the Forest may have in place, including wild fire responses. Chemical toxicants which may be used would likely be for the sanitation of latrines and control of noxious weeds. This would be considered to have a positive impact on the environment, when used prudently as required by law.

On June 6, 2000, Frank Cifala, Recreation Assistant on the Gallatin NF, inspected the site for possible existing **hazardous materials**. He noted an abandoned road bed exists near the existing county road, and fill dirt may have been brought onto the property for road construction. Paved and native surface interpretive trails are located on the property. A cold mix substance was used to pave the interpretive trail, however there is no evidence of misuse. No other evidence of potential use of hazardous materials was apparent at the site.

Community Impact

Approximately two miles upstream from Natural Bridge is a large guest ranch who emphasizes fishing for their clients. Property downstream from the tract is privately owned. It is unlikely that visitation will significantly increase due to the change in ownership. The FS actively manages the site, and Natural Bridge is listed on the 1999 Gallatin National Forest Visitor Map under their lists of "Forest Service Campgrounds and Picnic Sites" and "Other Public Campground and Picnic Areas." The social structure and employment opportunities are not expected to change, nor will industrial and commercial activity. Traffic patterns will remain unaltered.

Taxes

A slight increase in county taxes may occur, since FWP had declared this tract a State Park, which is exempt from payments in lieu of taxes. FS payments in lieu of taxes (PILT) and payments from their 25% Fund will be applicable on this 40 acre tract. A rough estimate of $29.98 and $3.20 respectively would be paid by the FS from the PILT and 25% Funds. This would result in an estimated total of approximately $33 new revenue paid to Sweet Grass County.

Public Services, Utilities

No net increase in administrative will be required at this site if the land exchange is completed. The FS has undertaken all management costs for personnel and materials to maintain the site for the last several years, therefore overall management at the site will not change. Future enhancements, such as new interpretive panels (estimated cost of $10,000) and reconstruction of the trail to address accessibility and visitor safety concerns, will require additional funding. The Gallatin NF currently maintains the road that crosses the corner of this tract, so costs will not change for access. If the FS

improves the existing site facilities in the future for added safety and access for people with disabilities, there will be initial capital expenses and additional maintenance costs associated.

Records reviewed by Doug Habermann, Billings area FWP Parks Manager, stated that no revenue is collected at this site, and maintenance funds are not currently appropriated to the site. This property has been on the state's list of disposal properties since 1987, therefore no resources have been appropriated for management of the site.

According to a letter from the FWP Region 5 Parks Manager, Ray Berntsen (now retired) to the Parks Division Administrator, dated February 19, 1998, it would cost FWP a minimum of $3,500 annually for maintenance and staff "to take back the site totally."

Natural Bridge includes a current easement of approximately 0.1 **road** miles to the U.S. If Natural Bridge is transferred to the U.S., there will be no net access acquired by the U.S. No other roads exist on the tract.

Aesthetics & Recreation

The transfer of this tract to another public entity will preserve the scenic vistas and aesthetically desirable sites along the Boulder River. This exchange will ensure continuing quality opportunities for recreation and tourism. The nearby Absaroka-Beartooth Wilderness will not be negatively impacted by the continued public access at Natural Bridge.

If the property were sold to a private individual for residential or commercial development, recreational and aesthetic values for this unique area would decline significantly. Development of the site would impact wildlife habitat, and therefore viewing opportunities. Scenic viewsheds would also be impacted if the surrounding area was developed by a private entity.

Cultural & Historical Resources

The *Cultural Resources Inventory Report* by Historical Research Associates, Inc. dated September, 1992, indicates that no cultural resource properties were found within this exchange parcel. One previously recorded prehistoric property is located in the vicinity, but does not extend into the inventory parcel.

Evaluation of Mitigation or other Control Measures

The FS has no plans to alter the type of use at this site nor expand it to include camping facilities. The federal agency does plan to complete a major maintenance project to make facilities safe, repair/replace worn facilities, and allow a higher degree of accessibility.

As with the other tracts in the proposed land exchange, this is a necessary part of the exchange to help equalize values.

PARK LAKE
TRACT G

PARK LAKE - TRACT G

Introduction

The Park Lake tract was acquired by FWP in 1958 using 10 percent Federal Aid in Sport Fish Restoration (Wallop-Breaux) funds and 90 percent FWP license money. The property includes the lake itself, a narrow buffer area around its perimeter, a stretch of Lump Creek south of Park Lake, and various beaver ponds. The area historically was used for mining. The man-made lake is fed by the Park Ditch, a tributary of Lump Gulch Creek, and is drained by Lump Gulch Creek.

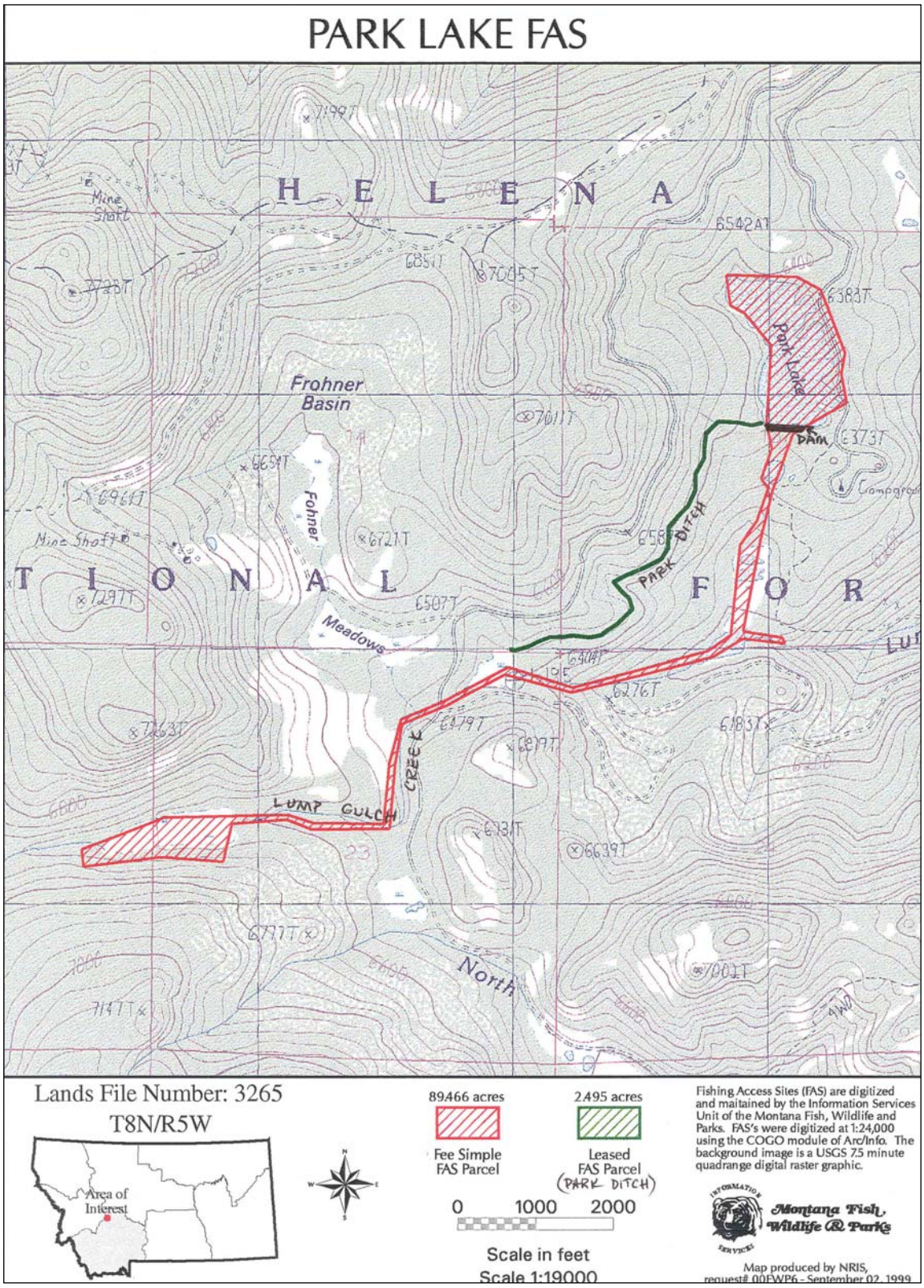
Recreational use, including fishing, is currently the primary use of the property. FS owns property surrounding the FWP tract and maintains a modern fee campground just south of the lake, which is popular with Helena Valley residents and out-of-area visitors, as well. FWP allows undesignated free camping along the north and east perimeter of the lake and unrestricted vehicular use is common. Heavy use of this shoreline is degrading lakeshores and vegetation. There are no improvements on the state property, including property boundary signs, or any camping amenities such as picnic tables, designated fire rings, or latrines.

It is proposed that FWP transfer the Park Lake tract to the FS. The FS would then manage the land to coincide with use in the Helena National Forest, nearby campground, and recreation plans. Consolidating management responsibilities at this location particularly makes sense due to the amount of visitation at the site, the difficulty for limited numbers of FWP staff to actively manage the site, and because the FS already has facilities they maintain adjacent to this tract.

The FS estimates that 3,000 visitors use the campground area between Memorial Day and mid September, with possibly another 1000 people using the immediate lake area. FWP estimates just over 4,000 visitors annually for the entire area based on regional indicator sites.

If the land exchange is completed, the FS has tentatively outlined minor plans for the new tract and estimated costs in the Helena NF Capital Investment Program 1999-2003. Any physical changes to the site, other than maintenance activities, will require an environmental review prior to start. The FS identified recommendations for dispersed recreation, such as: three new parking areas away from the lake shoreline, a lake-side trail accessible to persons with disabilities; one toilet, picnic tables, fire rings and a bulletin board could be installed at the northern-most parking area. Overnight camping would be directed away from the lakeshore to the existing Park Lake Campground at the south end of the lake.

MAP 9. Park Lake FAS



Note that FWP Lands records and this EA indicate 95.88 acres at this tract; this digitized FWP map shows 91.96 total acres. This is a general representation of the tract and is not intended to be a definitive survey.

The dam on the south end of the lake is considered a high hazard according to the hazard potential based on the loss of human life or property damage that could occur if the structure failed. The Administrative Rules of Montana (ARM), Chapter 85-15-106(9) defines a high-hazard dam as *a dam or reservoir with an impounding capacity of 50 acre-feet or more at the maximum normal operating pool, the failure of which would be likely to cause loss of life.* ARM 36.14.20 also identifies the Criteria for Determination of a high hazard dam and falls under DNRC jurisdiction. Forest Service Manual section 7511.2(3) lists: *Hazard Assessment Classification: High Hazard. Dams built in areas where failure would likely result in loss of human life or excessive economic loss.* Generally this would involve urban or community development with more than a small number of habitable structures.

Park Lake has been issued an operating permit by the DNRC Dam Safety section to enable continued operation while reconstruction is being researched. It is proposed that FWP will retain ownership of Park Lake until such time that the dam is brought up to mutually acceptable standards between the state and federal agencies. The agencies are collaborating on the final design of the dam repair. The State Water Projects Bureau at DNRC, is leading the efforts to complete a restoration plan. Initial investigation and new design of the dam have been completed by private contracts using $175,000 funding authority from the 2001 legislature. FWP received $500,000 in license fund spending authority from the 2003 legislative session to complete dam rehabilitations at FWP sites in Montana, a portion of which will be used on the Park Lake dam. The agencies anticipate the project will be completed late in 2004 (or at least within three years-2006). Construction would be scheduled to begin after Labor Day to avoid impacts to the recreation season. Upon completion of the dam rehabilitation, the entire Park Lake tract will be transferred to the FS (in exchange for the proposed Middle Osprey FAS within Alberton Gorge) in Phase 2 of the Alberton Gorge Land Exchange.

FWP must improve the dam to meet state standards regardless of whether the exchange is completed. The FS Geotech/Dams Engineer, Doug McClelland, suggested that the estimated annual administrative and maintenance costs for the dam after the required remediation would be about $2,500 annually. Impacts from the dam rehabilitation will be evaluated in a separate environmental assessment with public review prior to the project start. This EA assesses the impacts of the transfer of Park Lake from FWP to the FS for similar continued recreation management.

The original Alberton Gorge Land Exchange proposal outlined in the Draft EA, June 2000, transferred the linear parcels of the tract along Lump Creek to the FS in Phase 1, and the lake with surrounding land and dam transferred in Phase 2. This alternative was abandoned for the current proposal, which transfers the entire Park Lake tract in Phase 2. The small linear tract has little value and was not a desirable tract for the FS to receive alone. The current Phase 2 portion of the Alberton Gorge Land Exchange allows an independently equal exchange of Park Lake for the Middle Osprey FAS (see *Alberton Gorge* section for more details) and holds value for both parties.

Property Description

Park Lake is located in the Boulder Mountains approximately 12 miles west of Clancy, Montana, just inside the western Jefferson County boundary line.

Township 8 North, Range 5 West
Sections 13, 23, 24; lot 81
Mineral Survey 732
Jefferson County, Montana
Total Acreage = 95.88 acres

The vegetation in this tract is primarily lodgepole pine and Englemann spruce forest. The understory consists of grouse whortleberry, and pinegrass. The riparian areas along Lump Gulch Creek support mostly willows and sedges, as do the wetlands at the inlets to the lake and lake edge. Approximately ¾ of the Park Lake tract consists of wetlands or riparian zones, including the lake and Lump Gulch Creek . The remaining ¼ of the property is dense woodland or meadowlands used for recreation. (*Wetlands/Riparian Areas Resource* Report, EA Engineering, Science and Technology, November 1992.)

Undesignated and heavily used trails criss-cross the acreage surrounding the lake, down to the pond directly south of the lake, between the lakes and the FS campground, and along the Park Ditch. These trails are used for foot traffic, motorcycles and off-highway vehicles (OHV).

Historically, there have been no restrictions on off road use around Park Lake (Dave Payne, Recreation Planner on the Helena NF, personal communication to Sue Dalbey, June 22, 2000). As of July 1, 2001, a multi-state decision banned all off-road vehicle use on Bureau of Land Management and NFS lands throughout Montana, North Dakota and South Dakota. The Clancy-Unionville Travel Management EIS decision was signed in February 2003. The alternative selected by the FS limits motorized travel in the Park Lake area to the Frohner Meadows and Park Lake Roads year round and to the Lava Mountain Trail 12/2 through 10/15 (written communication from Duane Harp, Helena District Ranger, March 24, 2003). The Park Lake tract, however, was not specifically identified in the analysis (Larry Cole personal communication to Sue Dalbey, January 15, 2003). More information regarding the Clancy-Unionville Travel Management Project can be obtained from the Helena National Forest.

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

(The following **minerals** information is from the Mineral Potential Report prepared for the Alberton Gorge Land Exchange and can be obtained from the U.S. Forest Service, Region 1 office in Missoula.)

The mineral estate on the Park Lake tract is owned by FWP and will be transferred to the FS if the Alberton Gorge Land Exchange is completed.

Geology, Mineralization and Mineral Activity

The Park Lake tract is located within the Upper Cretaceous Boulder Batholith, a dominantly quartz-monzonite intrusive rock. The surface appearance is typical of the batholith and includes spheroidal weathering, exfoliation and coarse-grainy, erosive surface soils. The Park Lake tract geology includes quartz monzonite and granodiorite with overlying glacial till. Most of the property is low-lying valley-bottom riparian and wetlands area, as well as Park Lake itself.

The lands of the Park Lake tract are a patented placer mining claim that straddles Lump Gulch creek. Little recorded information is available on the mining activity in the area. Limited records indicate that placer mining of a relatively small scale was conducted in the area during the mid-late 1930's and occurred intermittently, probably up until the early 1940's when gold mining was suspended due to World War II (Roby et al, 1960). In 1958, the tract was conveyed to the State of Montana and no recorded mineral activity has occurred since then (Mason, 2000). During a field reconnaissance in 1998, a small area (less than 1/10 acre) of apparent placer hand diggings was identified. These workings appeared to be at least 40 years old.

Mineral Occurrence and Development Potential

The geology of the Park Lake parcel is not favorable for the occurrence or development of leasable minerals and has been rated as unfavorable for the existence of economically recoverable hydrocarbons (Tysdal et. al, 1996). Thus, development for leasable minerals is highly unlikely. The tract is identified as permissive for the occurrence of climax molybdenum and porphyry copper type mineral deposits (Tysdal et. al, 1996). Although identified as permissive for these potential deposits, the small size of the parcel, the proximity to the developed Park Lake campground and trail system, and a depressed mineral industry in Montana makes it unlikely that mineral exploration would be proposed, much less a mine development project. Due to its location in the highly erosive Boulder Batholith region, the Park Lake tract is not favorable for the occurrence or development of mineral material type deposits.

Several positive impacts can occur with the proposed land exchange and management of this area by the Helena National Forest. Soil is currently unstable around the lakeshore and to the south where erosion, compaction and disruption occur from heavy foot traffic,

vehicles driving off roads, and OHV use. The Helena National Forest lands agent, Larry Cole, indicated that if the FS acquires the tract, the agency will develop a management plan for shoreline control and allow for reclamation of the area. Tentative plans identify parking areas away from the lakeshore and a formal lake-side path, which will reduce current unrestricted travel and vegetative and erosion impacts. These actions will allow for reclamation of the shoreline vegetation, reduce erosion, while continuing dispersed recreation.

Reconstruction of the high hazard dam is necessary to protect visitors and people residing far downstream from potential dangers of a breech. This will modify the unique physical features of this end of the lake; however, reconstruction is required by law as a safety precaution, even if the Alberton Gorge Land Exchange is not completed.

Air

Minor and temporary dust levels will occur in the future when FWP rehabilitates the dam, and the FS implements types of shoreline controls. Long term effects of shoreline stabilization, and revegetation of high use areas will likely result in less dust. No objectionable odors shall be created, nor alterations in air movement, moisture or temperature patterns. Vegetation will not be affected by any emissions of pollutants. Violation of state and federal air quality regulations is not anticipated.

Water and Flood Plains

DNRC Engineer, Rob Kingery, reports that Park Lake normal storage is 225 acre-feet, with a maximum of 423 acre-feet (DNRC Dam Safety Inspection Checklist, June 2, 1999). The fill dike, or dam was built in the 1880s to raise the lake level. Park Lake is a non-consumptive water use and seepage returns to Lump Gulch. (George Holton, Assistant Administrator of the FWP Fisheries Division, *Park Lake Narrative,* 1981). Water entering the lake is diverted from Lump Gulch upstream.

FS acquisition of Park Lake would most likely result in an increase in water quality due to management plans, which would protect the shoreline and reduce erosion. Turbidity levels would be slightly reduced if plans to limit vehicles adjacent to the shoreline are implemented to allow vegetation re-establishment

Some water quality problems do occur during cold winters, because of low dissolved oxygen when the lake surface freezes over. The decomposition of vegetation in the water depletes the oxygen, which cannot be easily replenished due to the ice. This circumstance of climate would not be changed due to a change in public agency ownership.

The man-made lake is fed by the Park Ditch, a tributary of Lump Gulch Creek, and is drained by Lump Gulch Creek. FWP would transfer the water rights (#41I-W1249-08-00 and #41I-W1908-64-00) associated with Park Lake to the FS who would continue to manage the water rights as non-consumptive use (written communication from Duane Harp, Helena District Ranger, March 24, 2003). The amount of surface water, drainage patterns and runoff, and magnitude of flood waters are expected to remain unchanged,

though special considerations may be made when dam reconstruction occurs. There will be no changes in quantity of surface or groundwater as a result of the exchange.

Risks for contamination of surface water and groundwater should decline if vehicles are restricted from the lakeshore and vicinity wetlands under FS management. The self-sustaining population of grayling in the lake indicates that water quality is currently sufficient for healthy fish populations. Several different hazardous materials tests were done at Park Lake in Fall 1999 and Spring 2000. Testing included many different locations for soil analysis, water quality and fish health. These tests revealed allowable levels of hazardous materials (Contact FWP Lands Divisions for more details). In addition, the US Geological Survey, in cooperation with the FS, completed an environmental study: *Water Quality, bed-sediment, and biological data, for streams in the upper Prickly Pear Creek watershed, Montana, 2001* by Terry Klein et al. (open file report 03-032), which will help guide the FS in future management of the area.

The *Watershed/Floodplains Resource Report* completed by EA Engineering, Science, and Technology in November, 1992 reported: "According to the Montana Department of Health and Environmental Sciences (MDHES) Water Quality Bureau, a gold mine located upstream from Park Lake has been the source of the elevated metals concentrations in the water samples. The mine, which has since closed down, maintained a series of malfunctioning tailings ponds which frequently allowed large amounts of contaminated tailings to enter the surface water channels draining to Park Lake." Elevated levels of copper, lead, iron, manganese, and zinc were detected between 1970 and 1985 at five of the 24 water quality monitoring stations within four miles of Park Lake. This mine could affect water quality again; however, no impacts would be caused by the proposed land exchange.

No discharges caused by this exchange will violate federal or state water quality regulations.

Karl Christians, DNRC, Flood Plain Management Section Supervisor stated that the DNRC has not identified flood hazards or designated **flood plains** in the Park Lake area. (Federal Insurance Administration, Flood Hazard Boundary Map review with Sue Dalbey, June 13, 2000). Bo Stuart, Helena National Forest Hydrologist confirmed that there are no flood plains in this tract. This tract lies in granitic rolling uplands and a friable loamy glacial till and moraines geomorphic setting and as such, does not have typical flood plains (Flood Plain & Wetland Evaluation, January 10, 2001).

Vegetation, Wetlands, Prime & Unique Farmlands

The Park Lake tract is characterized by lodgepole pine and Englemann spruce forest (*Picea englemenii*) and an understory of grouse whortleberry and pinegrass (*Calamagrostis rubescens*). Wetlands and riparian areas occur adjacent to the several main lake inlets and one lake outlet as well as along the shoreline. The riparian dominating types are *Salix* species along the creeks and lake edge, and *Carex* species along the edge of the lake. The riparian areas along the associated beaver ponds and corridor following Lump Gulch also support mostly willows. (*Wetlands/Riparian Areas*

Resource Report by EA Engineering, Science and Technology, prepared for the FS in 1992.)

Sharon Scott, presale forester on the Helena National Forest, provided the following **timber** volume estimates (November 18, 1999) after reviewing aerial photos and personal communications with Helena district employees. The timbered portion of the parcel is within a riparian area, and consists of mature lodgepole pine forest type. Estimated average tree size is 12" at breast height and 60 feet tall (defect estimated to be 20%, mostly crook and sweep). The timbered portion of the parcel is estimated to be 1.00 miles long and 80 feet wide, totaling about 10 acres. It is estimated to be 10,000 board feet per acre on 10 acres. Total timber volume is estimated at 100 thousand board feet (within +/- 40% confidence error).

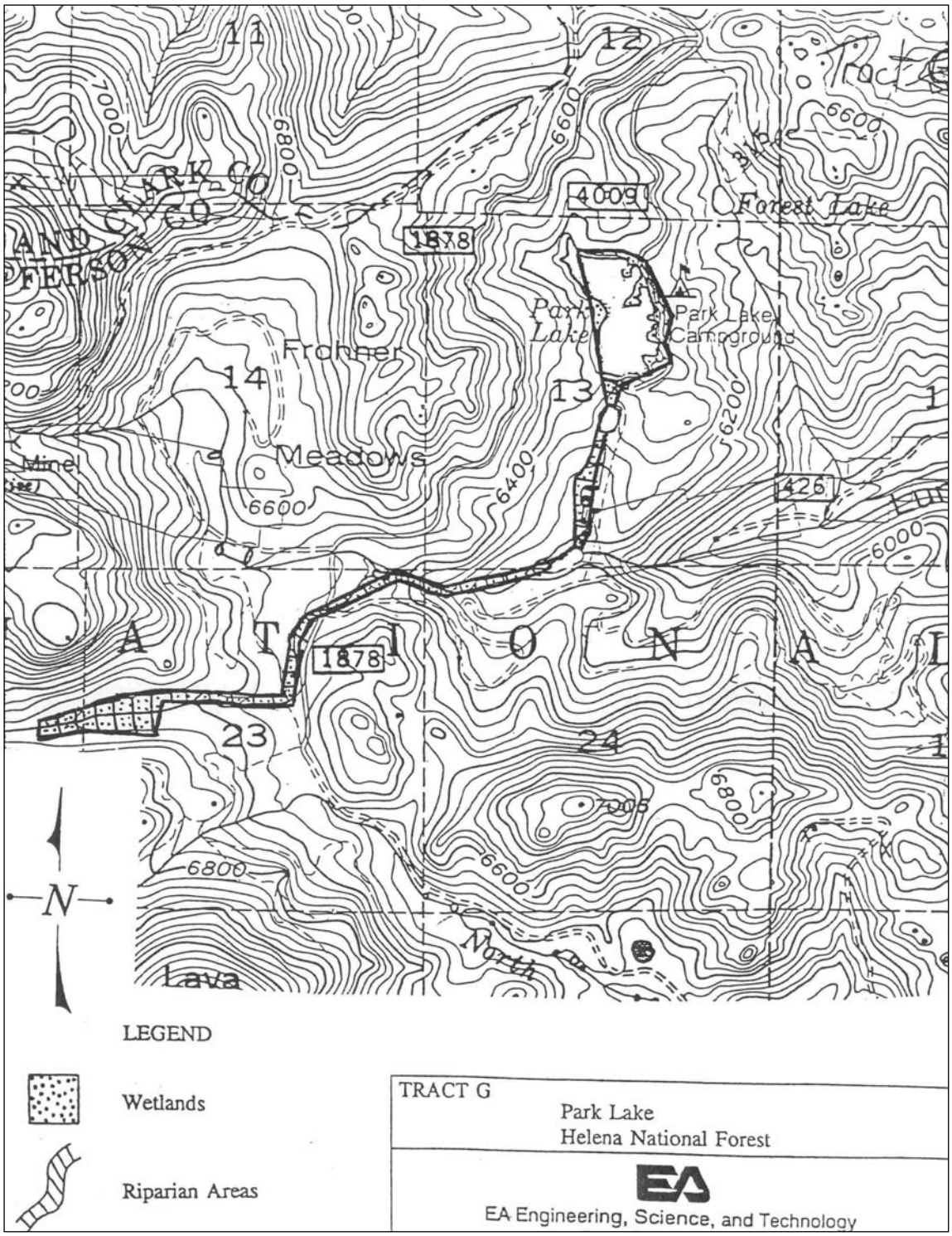
Transfer of the Park Lake tract to the FS will positively impact the riparian vegetation and protect wetlands in the long-term, as the agency intends to reclaim the shoreline areas. The productivity and abundance of plant species will increase, thus supporting the existing plant communities.

The construction of parking areas, a latrine and lake-side path will impact already disturbed vegetation in the immediate construction zone, but allow for long-term re-establishment of vegetation in surrounding areas, particularly in critical habitat zones along the lakeshore. Higher impact use (vehicles and over night camping) will be focused in the developed, hardened areas versus the entire unprotected area.

The spread of noxious weeds will decrease if the FS incorporates this area into their regular weed management plan. Limiting vehicular travel to designated routes will reduce the risks of weed establishment and spread to areas with disturbed soils.

No unique, rare, threatened or endangered plant species are recorded in the Natural Resources Information Services data base (search in August, 1999). The federally listed (threatened) plants and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*) is specifically found west of the Continental Divide. The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Jefferson County. It is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of the Park Lake tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002).

MAP 10 . Park Lake Wetlands Areas (approximate boundaries)



Ute Ladies'-tresses (Spiranthes diluvialis) is in river meander wetlands in Jefferson County, but not recorded in the vicinity of Park Lake. Spalding's Catchfly (Silene spaldingii) is under the threatened status; however, this species is found in the Tobacco Valley and the Upper Flathead River drainage (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). This species has not been recorded on the Park Lake tract and will not be impacted by the proposed exchange.

Bo Stuart, Helena National Forest Hydrologist, states that the Park Lake tract consists of 46 acres of jurisdictional **wetland** (Flood Plain & Wetland Evaluation, January 10, 2001). Please refer to *Map 10* on the previous page, which shows all approximate wetlands.

Helena National Forest Soil Scientist Sue Farley reviewed the Park Lake location with Sue Dalbey (July 25, 2000) and confirmed that there are no **prime and unique farmlands** in this tract. Farley consulted maps and soil identifications listed in the unpublished report *Soil Surveys of the Helena National Forest* (USDA Forest Service, October 1989). Prime and unique farmlands will not be impacted on the Park Lake tract.

Fish & Wildlife

Transfer of ownership to the FS is expected to positively impact the critical habitat, diversity and abundance of wildlife and non-game species in the area.

Rainbow trout were planted annually starting in 1959. Several plants of Arctic grayling were made between 1963 and 1970 and now the fishery maintains itself by natural reproduction. Ron Spoon, FWP Fisheries Biologist in Townsend, MT, stated that current management practices include the planting of 4000 two-inch Yellowstone cutthroat trout annually. June 1999 net sampling revealed 72 grayling with 14% over 13 inches long; 13 cutthroats with 39% over 10 inches. Mr. Spoon indicated that the proposed land exchange would be neutral or slightly positive for angler access and the fisheries.

Mr. Spoon also stated that other species that are federally listed as threatened or endangered, will not be affected by the proposed land exchange. Bull trout and white sturgeon do not inhabit waters east of the Continental Divide. The pallid sturgeon and sturgeon chub do not inhabit the Park Lake drainage. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River in eastern Montana. The fluvial arctic grayling is found in the Big Hole River; Park Lake supports the lake-residing population of arctic grayling. This project will not affect the above species.

The Statewide Angling Pressure Estimates for 1997 calculated 2,551 anglers (+/- 639) annually at Park Lake; in 1999, 1,862 anglers (+/- 447) annually. Ninety-five to 100 percent of the estimated use was by resident anglers. The site is most recently considered 42nd in regional use ranking.

Gayle Joslin, Wildlife Biologist for FWP, stressed to Sue Dalbey (August 14, 1999) that the entire area is interconnected with a number of wetlands providing valuable habitat for

moose, black bear, mule deer, elk, and wolverine. In written communication to Sue Dalbey, June 19, 2000, Joslin confirmed that wolves and grizzly bears are known to cross through the area; and, there is no reason why lynx would not be present in the area. She re-iterated that if the FS does change the designation regarding off-highway vehicle use, wildlife habitat will be positively affected.

EA Engineering, Science and Technology prepared the *Threatened/Endangered Species Resource Report* in November, 1992 for the FS, which revealed the following occurrence of threatened or endangered species on the Park Lake tract. The endangered peregrine falcon and bald eagle are known to occur at this tract, as it is within their range during spring and fall migration. They also recognized that the area provides potential habitat for grizzly bear. (Note: the American peregrine falcon has recovered following restrictions on organochlorine pesticides and successful management activities: therefore, it was removed from the Federal List of Endangered and Threatened Wildlife on August 25, 1999. U.S. Fish & Wildlife Service web site; www.r6.fws.gov/mt4.html; May 23, 2000)

A search for species of concern, threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) did not identify any species of special concern other than the arctic grayling, which has previously been discussed.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

- Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);
- Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);
- Proposed Threatened - mountain plover;
- Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);
- Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

Wildlife Biologist, Gayle Joslin does not anticipate any negative impacts to the above listed animals resulting from Park Lake transferring to FS ownership.

Human Environment

Noise & Electrical Effects

Noise levels should decrease if the Clancy-Unionville Travel Plan is adopted and enforced, allowing for travel only on designated routes. No known changes to electrostatic or electromagnetic conditions are predicted. The remote locale of this tract should not affect radio or television reception.

Land Use

The productivity and profitability of the Park Lake tract may positively be affected if ownership transfers to FS. The Helena National Forest may implement methods to limit off road driving and camping in undesignated areas, thus increasing the use of the existing campground in the area. FS revenue may increase slightly due to this, because recreation funds would return to the Park Lake budget, rather than going to the overall FS accounts for re-allocation (Dave Payne, Recreation Planner for the Helena NF personal communication with Sue Dalbey, June 22, 2000).

The transfer corresponds with a current natural area and wildlife conservation designations in the Boulder Mountains. Current ownership by FWP poses an inconsistency of a small, linear tract of state land in the middle of NFS land. This parcel is remote and the proposed action will have little effect on residences. The dam re-construction would provide more safety from flooding or potential dam breech hazards to downstream residents.

Risk & Health Hazards

Hazardous materials testing was completed Fall 1999 and Spring 2000 analyze soils, water quality and fish health. These tests revealed allowable levels of hazardous materials (Contact FWP Lands Divisions for more details), primarily as a result of historic mining activities.

Little risk of explosion or release of hazardous substances in the event of an accident exists now, nor are the risks anticipated to rise with the transfer of ownership. This property would be absorbed into the Helena FS management plans and added to any existing emergency response plan they have in place, including wild fire responses. Chemical toxicants may be used for the control of noxious weeds or routine latrine sanitizing. The results of using these chemicals in a prudent manner would be considered a positive impact on the native vegetation and public health.

The dam has functioned for over 130 years. The improvements of the structure are intended to ensure safety for residences downstream and avoid a possible breech.

Community Impact

The immediate future will slightly change the distribution or density of humans in the Park Lake tract. The Helena National Forest will consider limiting vehicle access along the lakeshore, thus reducing the number of informal campsites and overnight use on the north and east shorelines of Park Lake. The area would still be accessible for day use and

foot access (Dave Payne, Recreation Planner for the Helena NF personal communication with Sue Dalbey, June 22, 2000). The FS does provide a 22-site campground near the lake, complete with paved roads, sites, picnic tables, fire rings, and latrines. Many visitors avoid the campground and associated fees by camping on the land currently owned by FWP.

The level of employment and social structure of a community are not expected to change. Industrial and commercial activity are limited in a national forest. Traffic hazards may be reduced due the possible closure of pioneered, rough dirt roads on FWP property, adjacent to the north end of the lake. Existing main access roads are expected to handle the change in traffic patterns. New parking areas are proposed by the FS, which will help reduce congestion along roadways. The FS would have initial costs for future capital improvements, site rehabilitation and protection measures. Future maintenance costs would also increase for the acquired parcel.

Taxes

In 1998, FWP paid approximately $280 to Jefferson County in lieu of taxes for the Park Lake FAS tract. It is estimated that the FS would pay an estimated $339 to Jefferson County. This is a combined figure of PILT funds (estimated $284) and payment from the 25% Fund (estimated $55) estimated from 1999 figures. Jefferson County could see an increase in revenue of over fifty dollars.

Public Services, Utilities

FS administrative costs are expected to increase with the acquisition of Park Lake (Dave Payne, Recreation Planner, Helena NF, written correspondence to Larry Cole, Lands Forester, Helena NF, June 16, 2000). Costs would increase for law enforcement, as well (Kurt Cuneo, Resource Assistant, Helena NF, written correspondence to Larry Cole, June 12, 2000). Rehabilitation work along the shoreline would require a funding increase for initial construction and continued maintenance.

The FS suggests that new facilities will be proposed in the next few years, such as designated parking areas away from the lakeshore, a lake-side trail accessible to persons with disabilities, one toilet, picnic tables, fire rings, and a bulletin board at the northern-most parking area. These services will require an environmental review prior to construction. Estimated funding is near $200,000. (Helena National Forest Capital Investment Program 1999-2003.)

The Park Lake tract includes approximately 0.3 **road** miles on which the U.S. currently has an easement to access the FS campground. The FS will assume ownership of this easement if the proposed exchange is completed, and therefore will result in no net gain in access for the U.S.

No revenue is collected by FWP at the Park Lake Fishing Access Site. Maintenance costs are $500-$1,000 annually, which covers some administrative costs and no improvements on the site.

Aesthetics & Recreation

Transfer of this property will preserve and maintain the scenic vistas and aesthetically desirable sights for the public. FS ownership has the potential to positively impact the aesthetic character of this tract by allowing reclamation along the lakeshores and limiting off road vehicle use, which would reduce erosion and encourage more wildlife use in the area.

Recreational day-use opportunities will continue if the proposed land exchange is completed. Some visitors may be disgruntled if OHV use and undesignated camping along the lakeshore is limited, while others may be pleased to see reclamation of the area.

There are no wild or scenic rivers, trails, or wilderness areas in the vicinity.

Cultural & Historical Resources

The *Cultural Resources Inventory Report* prepared for the FS by Historical Research Associates, Inc, 1992, recommends the following resources eligible for listing on the National Register: four reservoir dams and the water conveyance canal which are clearly associated with the development of the Park Ditch Company (24JF726/24LC1048). These can be considered components of the larger ditch system and be counted as "contributing" resources to the system as a whole. They are associated with a specific and important aspect of the mining industry (water procurement for mine production). The physical remains are representative of a "type of construction" which reflects the technology and engineering specifications in use in the 1870s.

The FS is mandated to take into account the effects of any undertaking on the property included in or eligible for inclusion on the National Register of Historic Places.

The properties being transferred from FWP to the FS will be given cultural consideration pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (NHPA 16 U.S.C. 470 (f)) as federal property, which meet or exceed Montana cultural site protection requirements.

Evaluation of Mitigation or other Control Measures

Any future development by the FS will undergo an environmental review and appropriate public comment periods.

If a portion of the overall Alberton Gorge Land Exchange fails, this proposal to transfer Park Lake to the FS will likely fail as well. The transfer of this parcel is critical regarding the exchange of equal fishery values between land traded from FWP ownership at Park Lake and land gained in the Alberton Gorge corridor. The U.S. Fish and Wildlife Service will ultimately decide if the fisheries values in the Gorge are equal to Park Lake.

TIZER LAKE
TRACT H

TIZER LAKE - TRACT H

Introduction

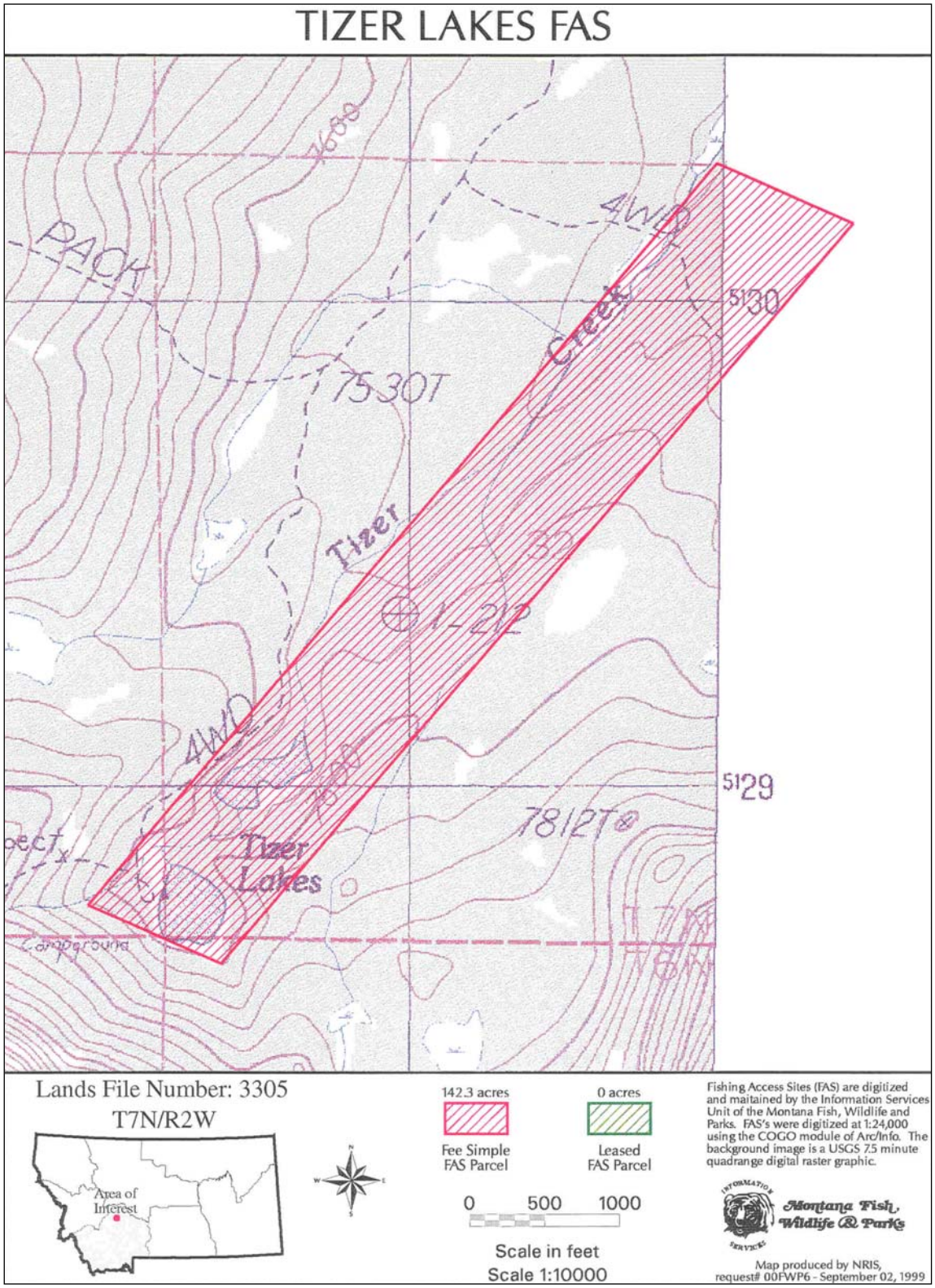
FWP acquired this property in 1960 using 75% Federal Aid in Sport Fish Restoration (Wallop-Breaux) funding and 25% FWP License money. Tizer Lake tract is on the eastern slope of the Elkhorn Mountains and provides opportunities for fishing, camping, and hunting. The tract is surrounded by Helena National Forest lands. The Elkhorn Mountains are managed as a Wildlife Management Unit and nearly two-thirds of the Unit is closed yearlong to motorized vehicles. The Tizer Lake tract is accessible year-round on a designated open route, though the last six miles of road to Tizer Lakes is very rough and many people access the site by foot, four-wheeler, motorcycle, or horse. Off road snowmobile use is allowed from 12/2-5/15.

Few improvements have been made to the site, including signs to identify the site. The immediate lake area has been fenced to reduce erosion and environmental impacts. Camping is allowed at the site, though sites are informal and undesignated. It is a very remote site for FWP personnel to manage. The FS, however, owns lands surrounding the Tizer Lakes tract that also require supervision; therefore, this agency can have more of a presence at the site to protect the resources.

Visitation estimates are not decisive at this remote tract. Recreation Planner, Dave Payne, believes a practical estimate is close to 2000 visitors annually, due to the difficult access. Helena National Forest Acting Biologist, Jodie Canfield, estimates that 10-20 different parties may be seen using the Tizer Lakes area on a typical summer weekend. Very little use occurs during the weekdays. Based on her observations, visitors engage in picnicking, hiking, and camping, and approximately 80% of the visitors will fish during their visit. The FWP Statewide Angling Pressure Estimates for 1997 indicate 69 anglers used the site (listed under Lower Tizer Lake), however the margin of error in this statistic is + or – 69. This is considered to be 100% resident use. The site is ranked 289th in the region for angler use.

It is proposed that this property be transferred to the FS to be absorbed into the Elkhorn Wildlife Management Area and managed contiguously with the surrounding forest. FWP will continue to take an active role in the fisheries and wildlife management of the area as is their state-wide mandate.

MAP 11. Tizer Lakes FAS



Property Description

The Tizer Lake tract is accessible from Jefferson City about 12 miles east on Prickly Pear Creek road in the Helena National Forest.

Township 7 North, Range 2 West
Sections 31 and 32, Lot #38
Township 6 North, Range 2 West
Section 5
Mining Survey 2828, Woodland Park Placer
Jefferson County
Total acreage = 142.29 acres

This long rectangular parcel corresponds to a placer claim that straddles Tizer Creek. The tract contains two lakes known as Upper and Lower Tizer Lakes in a valley sculpted by glaciers. These lakes have been dammed at the outlets to raise lake levels, and without the dam, the lower lake would likely be only a wet meadow or slough. Upper Tizer Lake flows into Lower Tizer Lake, which exits the lake as Tizer Creek and continues through the property to the northeast and eventually empties into the Missouri River.

Approximately ¾ of the parcel is wetlands or riparian zones, including the lakes (based on Wetlands/Riparian areas Resource Report by EA Engineering, 1992). The remaining tract is generally used for recreation – meadows or woodlands, and steep rocky slopes and cliffs. A few small prospect pits remain and the two borrow pits excavated when building the dams. Very little else remains of the past mining days.

Land adjacent to the creek bottom is gently sloping and densely timbered with lodge pole pine and Douglas fir as parts of the subalpine forest and subalpine, sedge meadow vegetation communities. Towards the north end of the tract is a large wet meadow. Tizer Creek is lined with Dwarf willow and sedge species in the riparian areas. Wetlands occur at the southwest portion of the tract.

The above information is based on specialist reports prepared for the FS by EA Engineering, Science and Technology, Redmond, Washington, and subcontractor Historical Research Associates, Inc., Missoula, Montana, for a land exchange proposal in 1992.

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

(The following **minerals** information is from the Mineral Potential Report prepared for the Alberton Gorge Land Exchange and can be obtained from the U.S. Forest Service, Region 1 office in Missoula.)

The mineral estate on the Tizer Lake tract is owned by FWP and will be transferred to the FS if the Alberton Gorge Land Exchange is completed.

Geology, Mineralization and Mineral Activity

The Tizer Lake tract is located within the Elkhorn Mountains, part of an uplifted, fault-bounded block, that is underlain by granitic rocks of the Boulder Batholith and overlain in a large portion of the range by late Cretaceous volcanic rocks of the Elkhorn Mountains Volcanics group. The Tizer Lake tract is underlain by tuff, breccia and flows of andesitic composition of the Elkhorn Mountains Volcanics. Thin glacial deposits cover the volcanics on almost the entire parcel (U.S. Geological Survey, 1978).

The lands of the Tizer Lake tract are a patented placer mining claim (Woodland Park Placer, patented in 1889) that straddles Tizer Creek. There are several mines within the vicinity of the parcel and the parcel is within the Tizer-Wilson mining district. Mining occurred in the Tizer-Wilson mining district as early as 1858 when gold placers along Tizer and Wilson creek were worked. There is no recorded production records, but an estimated 2530 ounces of gold has been mined. Recorded production came from hard rock mines as early as 1906. The main period of activity in the district appears to be the 1890's and the 1930's (U.S. Geological Survey, 1978). In 1960, the tract was conveyed to the State of Montana and no mineral activity has occurred since then (Mason, 2000). During a field reconnaissance in 1998, an area (less than 1/10 acre) of hand type placer workings was identified along the northeastern portion of the tract. These workings appeared to be at least 40 years old. An earthen dam is also constructed on the parcel, which allows for main Tizer Lake to hold more water than it would naturally.

Mineral Occurrence and Development Potential

The geology of the Tizer Lake parcel is unfavorable for the occurrence or development of leasable minerals and has been rated as unfavorable for the existence of economically recoverable hydrocarbons (Tysdal et. al, 1996). Thus, development for leasable minerals is highly unlikely. The tract is identified as permissive for the occurrence of porphyry copper type mineral deposits and placer gold deposits (Tysdal et. al, 1996). Although permissive for the occurrence of a copper porphyry, the existence of glacial overburden, poor road access, management restrictions due to the designation of the Elkhorn Mountains as a Wildlife Management Unit, and a depressed mineral industry in Montana result in a highly unlikely development scenario for this tract. The parcel is permissive for placer gold deposits, however, the lack of activity in the past 40 years, poor access and management designation make this parcel unlikely for future development activity.

Helena NF Geologist Beth Ihle indicated in the FS hazardous materials worksheet that there are no signs of hazardous materials on the tract or indications of contamination.

Dave Payne, Recreation Planner on the Helena NF, recommends that the FS would implement some minor actions to limit motorized impacts along the lakeshore. Possible actions that would achieve this goal could include: signing, fencing, vegetative rehabilitation, and/or designated parking areas. Any actions would be reviewed for environmental impacts as required, prior to construction.

Helena National Forest has no plans to develop this tract beyond what is mentioned above for resource protection. The FS does not intend to improve roads through the area (Jodie Canfield, personal communication with Sue Dalbey, August 25, 1999) or other goals, which would cause soil instability or changes in geologic substructure. No impacts would occur to unique geologic or physical features of the area. No changes are anticipated that would result in further soil disruption, displacement, erosion, compaction or over-covering, which could reduce productivity or fertility. Changes are not likely to occur in the siltation, deposition or erosion patterns that could modify the channel of Tizer Creek or bed and shore of Tizer Lakes. The public would not encounter any new risk of exposure to earthquakes, landslides, or ground failures.

Jodie Canfield, Acting Helena National Forest Biologist, stated to Sue Dalbey that the area is managed primarily for non-motorized recreation with an emphasis on wildlife. This management would remain if FS obtained ownership of the Tizer Lakes tract. The main road accessing the property is recognized as a motorized trail and no improvements are anticipated other than maintenance such as water bars to reduce erosion.

A neighboring land owner, George DeMers, has requested permission to cross the northeast end of the property to attain access to private property approximately ½ mile southeast of the tract. A road does exist across the Tizer Lakes tract, but Mr. DeMers may want to upgrade the creek crossing with a culvert or bridge. This would be a private road, not for public use. The road is gated on FS lands. FWP has suggested that a temporary use permit be considered until after the proposed land exchange is complete. Impacts to the soils and geologic substructure, erosion, siltation, stream channel, etc would be addressed in a separate evaluation, whether FWP or FS owns the parcel.

Air

Use of the Tizer Lake property will not likely change after transfer to FS. Air pollutants and ambient air quality should not increase as a result of the change in ownership. Objectionable odors, changes in air moisture, temperature patterns, local or regional climate are not anticipated. No actions are foreseen that would conflict with federal or state air quality regulations.

Water and Flood Plains

The FS has not revealed any future actions for the Tizer Lake tract which would result in negative impacts to surface water and ground water quality or quantities. It is anticipated that management of the site will remain unobtrusive; no alterations are expected to the water temperature, dissolved oxygen, or turbidity. Amount of surface water, drainage patterns and rates of surface runoff and the magnitude of flood waters are expected to remain as they have historically. Risks for contamination of surface water and groundwater should remain the same.

The change of ownership should not affect other water users. Two water rights owned by FWP will be transferred to the FS (#41I-W-190865-00 and #41I-W-190866-00). No discharges are predicted that would affect federal or state water quality regulations.

No sources are known to impact the water quality, though no water quality monitoring stations are within the tract. (*Watershed/Floodplains Resource Report*, EA Engineering, Science, and Technology, November, 1992.)

The DNRC has not identified designated flood hazards or 100 year **flood plains** on the Tizer Lake tract, according to Karl Christians, DNRC, Flood Plain Management Section Supervisor (Federal Insurance Administration, Flood Hazard Boundary Map review with Sue Dalbey, June 13, 2000). Bo Stuart, Helena National Forest Hydrologist confirms this analysis in his Flood Plain & Wetland Evaluation, January 10, 2001. He reports that this tract lies in a glaciated cirque basin and does not include typical geomorphic flood plains. Stuart's evaluation can be viewed at the FS Northern Region Office, Missoula.

Vegetation, Wetlands, Prime & Unique Farmlands

The dominant vegetative communities in the Tizer Lakes tract are subalpine sedge meadow and subalpine forest. The area immediately surrounding the two lakes near the southwest portion of the tract supports an alpine wet meadow plant community. Species in the wetland meadow include labrador tea (*Ledum groenlandicum*), and other sedge species. Dwarf willow (*Salix wolfii*) and sedge species characterize the riparian areas along Big Tizer Creek. *Carex* species dominate the riparian areas around the lakes and adjacent to the willow-dominated riparian areas. Distant from the lakes and creek, the vegetation is mostly subalpine fir (*Abies lasiocarpa*) and lodgepole pine forest with grouse whortleberry (*Vaccinium scoparium*) dominating the understory.

Sharon Scott, presale forester on the Helena National Forest, provided the following **timber** volume estimates (November 18, 1999) after reviewing aerial photos and timber stand inventory data, and personal communications with Helena district employees. The nearest stand exam data was collected in 1988 within ½ mile of the parcel. Timber types slope and aspect were similar to the Tizer Lakes parcel and consisted of mainly lodgepole pine with intermixed pockets of spruce. These sawlog-sized trees average 9 inches diameter a breast height and 55 feet tall, defect averages between 30-35% due to elevation, wind and snow. Small sawlog/pole trees average 6-7 inches diameter at breast height and 40 feet tall, defect averages between 30-35% for the same reasons. These timbered stands are pure lodgepole pine.

Scott estimated these acreages using a dot grid:

16 acres sawlog sized lodgepole pine @ 8,000 board feet per acre

88 acres small sawlog/poles sized lodgepole pine @ 3,000 board feet per acre

Total timber volume estimate: 392 thousand board feet (within +/- 40% confidence error).

Activities are not anticipated that would affect the diversity, productivity or abundance of a plant species or plant community. No agricultural land exists in this tract and no prime or unique farmland will be affected. Noxious weeds are not actively controlled by FWP on this remote tract. The low numbers of vehicles accessing this parcel helps to limit the spread of noxious weeds.

The federally listed (threatened) plants and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*) is specifically found west of the Continental Divide. Ute Ladies'-tresses (*Spiranthes diluvialis*) is in river meander wetlands in Jefferson County, but the Montana Natural Heritage Program records do not show this species on the Tizer Lakes tract. Spalding's Catchfly (*Silene spaldingii*) is under threatened status; however, this species is found in the Tobacco Valley and the Upper Flathead River and Fisher River drainages. The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Jefferson County. It is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of the Tizer Lakes tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002). These species have not been recorded on the Tizer Lake tract and will not be impacted by the proposed exchange.

Bo Stuart, Helena National Forest Hydrologist states that the Tizer Lake tract contains 9 acres of **wetlands**. His evaluation digitized actual wetlands from aerial photos using a Planix electronic planimeter. Stuart's Flood Plain & Wetland Evaluation, January 10, 2001 can be reviewed at the FS Northern Region Office, Missoula. *Map 12,* below, shows the approximate wetlands areas provided by EA Engineering, Science, and Technology, November, 1992.

FS has not revealed plans that would significantly impact the wetlands and riparian areas identified above. Jodie Canfield stated that volunteers erected a jack-leg fence around the lake to discourage travel in fragile wetlands by motorized vehicles.

Helena National Forest Soil Scientist Sue Farley reviewed the Tizer Lake location with Sue Dalbey (July 25, 2000) and confirmed that there are no **prime and unique farmlands** in this tract. Farley consulted maps and soil identifications listed in the unpublished report *Soil Surveys of the Helena National Forest* (USDA Forest Service, October, 1989). Prime and unique farmlands will not be impacted on the Park Lake tract.

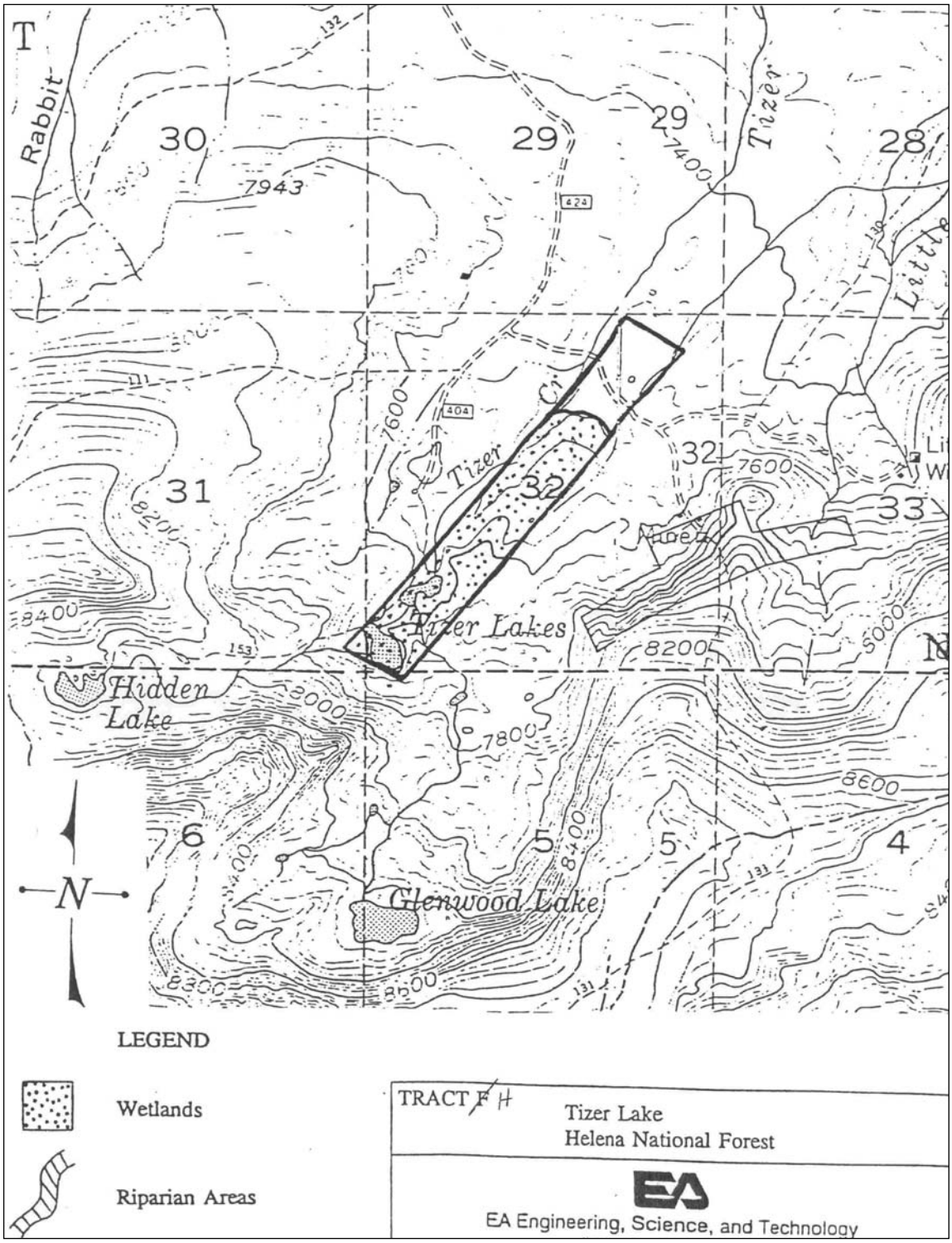
Fish & Wildlife

Transfer of ownership to the FS will not likely affect critical habitat or the diversity and abundance of fish, wildlife and non-game species in the area.

A 1952 evaluation of Tizer Lakes by FWP Fisheries Biologist C. Bishop indicates that Eastern brook trout under 7 inches long were easily caught, and reports show some larger fish over 8 inches. Three inlets provide adequate spawning sites. This area was popular in the early 50's for high lake fishing and at that time, Mr. Bishop hoped to have the road added to the FS system, which would further add to the angler use.

FWP Fisheries Biologist based in Townsend, MT, Ron Spoon, states that Tizer Lake and the creeks currently contain a high density of Eastern brook trout. Access to the lakes and angler opportunities will not change with the proposed change in ownership (personal communication with Sue Dalbey, august 10, 1999).

MAP 12. Tizer Lake Wetland Areas (approximate boundaries)



FWP has released an Environmental Assessment in Fall 1999, outlining the future introduction of westslope cutthroat trout to the Elkhorn Mountains. Mr. Spoon indicates that this is an attempt to return the species to its historic range. Tizer Lakes and Tizer Creeks are included in the plan, which calls for the use of the chemical antimycin and physical stream barriers to limit competition from other fish species such as rainbow and brook trout. The westslope cutthroat trout has been proposed for listing as a threatened species under the Endangered Species Act. The State of Montana is trying to restore cutthroat populations as a proactive way to prevent the listing.

Mr. Spoon also stated that other fish species that are listed would not be affected by the proposed land exchange. Bull trout and white sturgeon do not inhabit waters east of the Continental Divide. The pallid sturgeon and sturgeon chub do not inhabit the Tizer Creek drainage. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River in eastern Montana. The arctic grayling is found in the Big Hole River. This project will not affect these species.

The Elkhorn Mountains are managed cooperatively by the FS, BLM and FWP as a Wildlife Management Unit with conservative restrictions for travel and hunting, with primary focus on elk habitat. These practices will continue if the proposed land exchange is completed. Human activity and densities are not expected to increase in the area, which will help limit stress to wildlife populations.

FWP Wildlife Biologist Tom Carlson informed Sue Dalbey (personal communication, August 18, 1999) that the area is primarily summer range for elk. Mule deer use the area on a limited basis, and black bears, mountain lions and moose will occasionally use the area. Mountain goats inhabit the adjacent peaks. He has encouraged the FS not to improve roads into the site to protect wildlife habitat and provide a more back-country recreational experience.

Jodie Canfield, Biologist for the FS, indicated similar management preferences by the FS and emphasizes that the area has snow from October until late June, thus limiting recreational use to some degree (personal communication with Sue Dalbey, August 25, 1999).

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);
Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);
Proposed Threatened - mountain plover;
Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);
Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

EA Engineering, Science and Technology prepared the *Threatened/Endangered Species Resource Report* in November 1992 for the FS, which revealed the following occurrences of threatened or endangered species on the Tizer tract. The site has habitat that could support the endangered gray wolf, however no sightings have been recorded on the site. The USFWS indicates that the endangered peregrine falcon and bald eagle have the potential to use this area because the tract is within their range during spring and fall migration. A peregrine falcon hack box is also located near the land tract. Grizzly bears (threatened) have the potential to use the area due to the available habitat, but there is no documentation indicating their current use. Golden eagles, which are not listed, are known to be in the vicinity of Tizer Lake.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) identified the presence of the fringed myotis (*myotis thysanodes*) over 5 miles to the south west. No other species of special concern were identified.

Biologists for both FWP and the FS stated that they foresee no impacts to the Tizer Lakes area wildlife if the proposed land exchange is implemented.

Human Environment

Noise & Electrical Effects

Noise levels are not expected to increase with the completion of the land exchange. No known changes to electrostatic or electromagnetic conditions are predicted. The remote locale of this tract should not affect radio or television reception.

Land Use

The productivity and profitability of the Tizer Lakes tract should not be affected if ownership transfers to FS. The transfer corresponds with current natural area and wildlife conservation designations in the Elkhorn Mountains. Current ownership by FWP poses an inconsistency of a small portion of state land in the middle of a large FS area. Existing land use of the tract is consistent with surrounding FS lands. This parcel is remote and the proposed action will have little affect on residences.

Risk & Health Hazards

Limited visitation and human use of the property presents little risk of explosion or release of hazardous substances in the event of an accident. This property would be absorbed into the FS management plans as part of the Elkhorn Wildlife Management Area and added to any existing emergency response plan they have in place, including wild fire responses.

Bethany A. Ihle, Geologist for the Helena NF, has visited this tract several times between 1995 and 1998. She completed a **hazardous materials** report, which records the existence of sluice-type placer workings, including washed rock piles. A dam on the upper lake and excavated borrow area are also present. No other indications of potential hazardous alterations to the tract were apparent.

Community Impact

The human population in the area is not expected to change significantly unless improvements to the access road would be made, which are not anticipated under current management plans. The remote character of this tract will not affect the social structure of a community, the industrial or commercial activity in the area. The FS currently has staff that manages the region, and this added encumbrance is not expected to significantly increase their personnel levels. The public will retain ownership of the property, and therefore retain access to the site, thus patterns of human movement to, from and within the site are not expected to change.

Taxes

FWP paid approximately $416 to Jefferson County in lieu of 1998 taxes for the Tizer Lake FAS. It is estimated that the FS would pay an estimated $502 to Jefferson County based on 1999 figures. This is a combined figure of PILT funds (estimated at $421) and payment from the 25% Fund (estimated at $81). Jefferson County could see an increase in revenue of eighty-six dollars.

Public Services, Utilities

Currently, the FWP provides little to no services. The proposed action would result in additional recreation costs to the FS at the Tizer Lake tract. The Helena National Forest will be responsible to provide routine maintenance at several popular dispersed recreation sites adjacent to the lakes (written communication from Allen Christophersen to Sue Dalbey dated March 10, 2003).

The Tizer Lake tract contains approximately 0.5 miles of extremely rough **road** along the western boundary, which will be transferred to the U.S.

No revenue is collected from this site. FWP maintenance costs are little to none. The undisturbed nature of this site will likely be continued under FS ownership. A fence may be erected to limit vehicular travel in wetland areas. Initial construction costs and maintenance costs would be borne by the FS.

Aesthetics & Recreation

Transfer of this property will preserve the scenic vistas and aesthetically desirable sites for the public. No change to the aesthetic character of this portion of the Elkhorn Mountains is anticipated.

The Tizer Lakes tract is not in a designated wilderness area, but as discussed above, this is part of a Wildlife Management Unit and has vehicle travel restrictions.

Cultural & Historical Resources

The following information is cited from the Cultural Resources Inventory Report by Historical Research Associates, Inc. for EA Northwest contracted by the FS, dated September 1992.

The Woodland Park Placer was not patented until 1889, nearly fifteen years after the initial discoveries of gold and silver in the Elkhorn Historic Mining District, directly adjacent to the south boundary of the Tizer Lakes tract. Byron F. Wood filed the original placer claim. The HRA field crew located several historical mining-related structures during the inventory of this parcel. These are believed to be associated with the resources included in a previously recorded site located immediately outside the southwest corner of this parcel. Other historic resources found within the property boundaries include: a log building, a collapsed adit and a can dump, dams, associated borrow pits at the outlets of both lakes, a ditch that diverts water from Tizer Creek below Lower Tizer Lake, several prospect excavations and an area of placer washed rock piles.

HRA recommended that this property be considered ineligible for listing in the National Register of Historic Places as an individual entity, but may be considered a resource that would contribute to the eligibility of the already established Elkhorn Mining District.

The FS is mandated to take into account the effects of any undertaking on the property included in or eligible for inclusion on the National Register of Historic Places.

The properties being transferred from FWP to the FS will be given cultural consideration pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (NHPA 16 U.S.C. 470 (f)) as federal property.

Evaluation of Mitigation or other Control Measures

If a portion of the overall Alberton Gorge Land Exchange fails, this proposal to transfer Tizer Lakes FAS to the FS will likely fail as well. US Fish and Wildlife Service approval of the equal transfer of fishing access values between what is being lost at Tizer Lakes and what is gained in the Alberton Gorge River Corridor is a critical step in the whole exchange.

The land transfer of Tizer Lake FAS is not expected to conflict with local, state or federal regulations. Substantial debate is not expected about the nature of the impacts created, or create substantial public controversy regarding the Tizer Lakes tract.

HEBGEN CABIN
TRACT I

HEBGEN CABIN - TRACT I

Introduction

This land is owned by the FS near Hebgen Dam, Montana. The eight structures on the parcel are owned by NorthWestern Energy with use allowed by virtue of its location within the FERC Project Boundary. Disposal of the Hebgen Cabin tract was reviewed for consistency with guidelines for land exchanges included in the Gallatin National Forest's Forest Plan. The Alberton Gorge Land Exchange proposal to dispose of NFS lands near Hebgen Dam is consistent with these guidelines. This tract is used for limited recreation and is adjacent to two other special use areas (Federal Energy Regulatory Commission or FERC-authorized project management residence and shop buildings, and a power line easement).

It is proposed that this tract transfer from the FS to River Network, then to NorthWestern Energy, thus creating an inholding in Gallatin NF. NorthWestern Energy has traditionally used their cabins for non-commercial, recreational purposes, for company employees and their guests as part of the license with FERC. Historically, this site was included in the FERC boundary for the Missouri/Madison hydroelectric project. This boundary is in the process of being amended to exclude the subject tract from the FERC boundary. This tract includes a lodge, three cabins, two bathhouses and two abandoned outhouses.

The approximately 2.2-acre tract is located on a wooded hillside adjacent to and east of Highway 287, about 22 miles northwest of West Yellowstone, Montana. The tract is accessed from the highway and is surrounded by Gallatin National Forest lands. Hebgen dam is about 1,500 feet southeast of the parcel.

The company has voluntarily agreed to implement a restrictive easement on the tract to prohibit subdivision and commercial use in an effort to protect wildlife habitat and the historical footprint of the tract. The improvements on the tract are considered contributing elements of the historic property 24GA248, Hebgen Hydroelectric Camp Historic District, which includes the Hebgen Dam "Operator Camp" adjacent to the tract. NorthWestern Energy has agreed to maintain the historic buildings according to a "Continuity of Use" (COU) agreement developed with consultation from SHPO and implemented as part of a conservation easement or restriction (see the Cultural and Historic Resources later in this section). No change in use is planned for the Hebgen Cabin subject parcel.

MAP 13. Hebgen Cabin tract

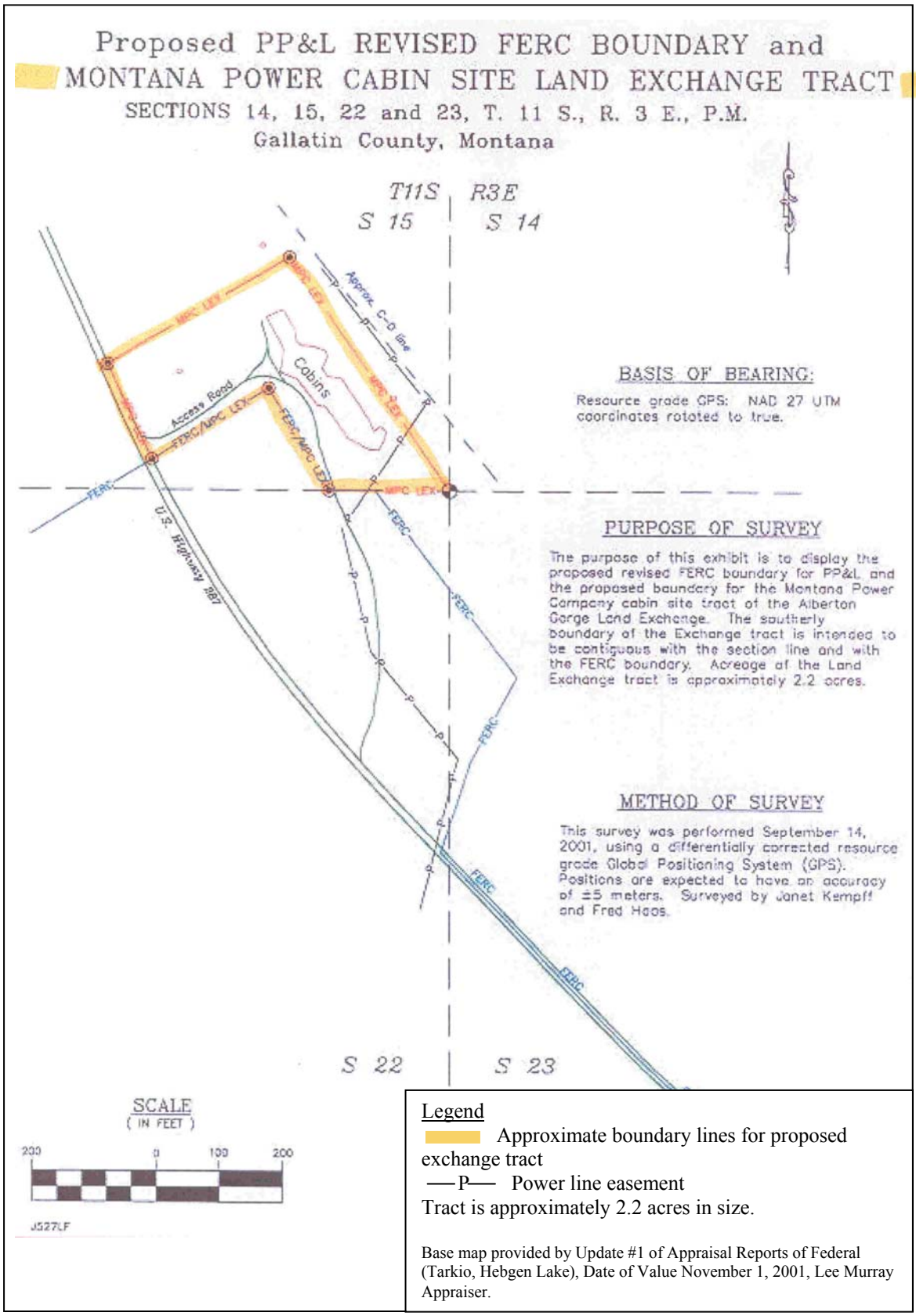
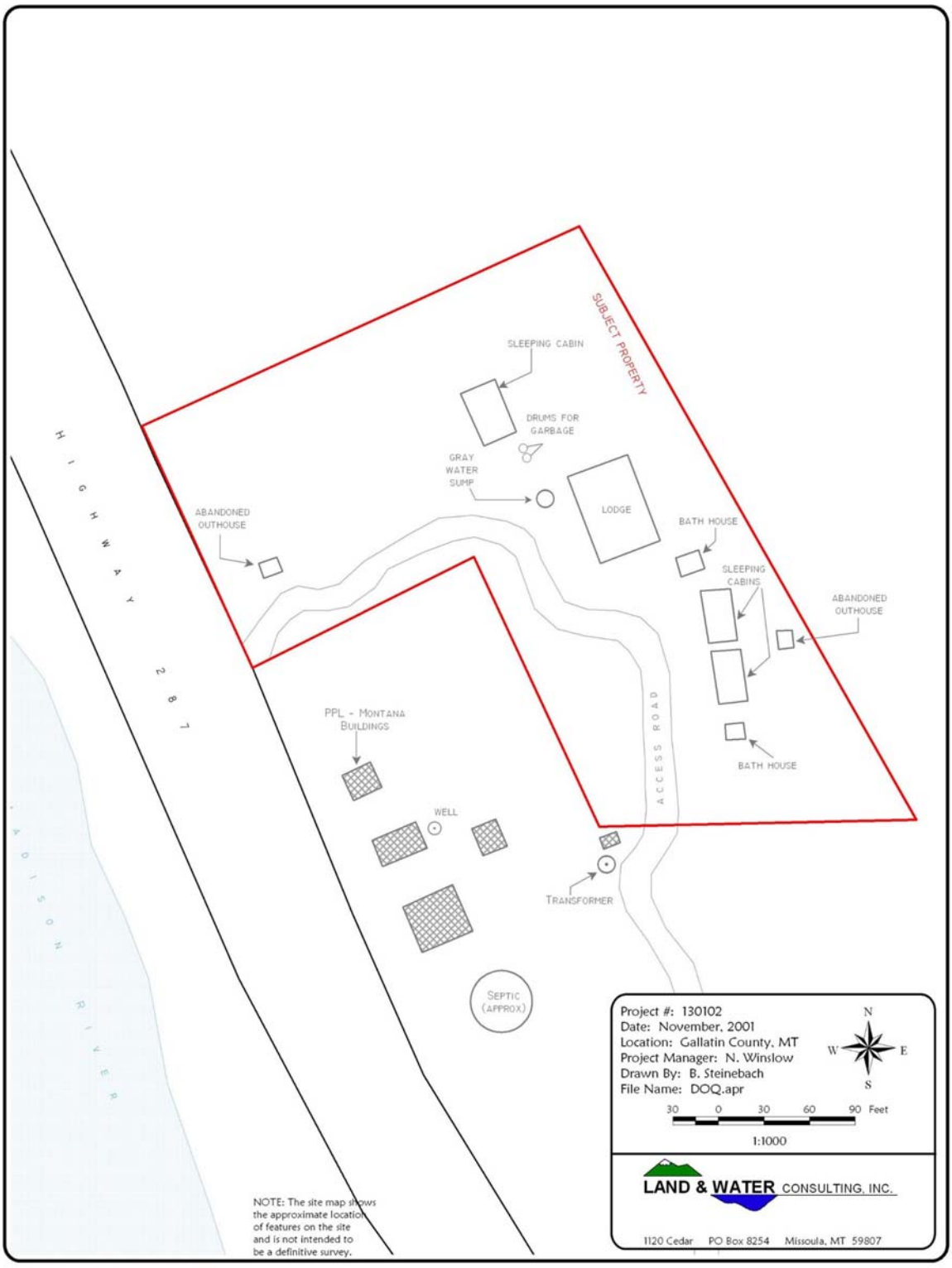


FIGURE 9. Hebgen Cabin Site Plan



Property Description

The Hebgen Cabin tract is accessible from Highway 287 about 22 miles northwest of West Yellowstone, Montana, in the Gallatin National Forest.

Township 11 South, Range 3 East
Section 15, SE¼ SE¼ SE¼
Gallatin County
Total acreage = 2.2 acres

The tract includes about 175 feet of U.S. Highway 287 frontage and can be accessed directly from the highway. Approximately 450 feet of unimproved dirt road crosses the tract, then enters FS land and exits on the highway south of the subject. Access via this route will continue by easement because it is shared by PPL Montana for access to their operator camp buildings, is a more useable grade and allows access to the cabins without constructing a switchback road or turn-around area.

The northwest and northeast boundaries border NFS lands. The southern boundaries coincide with the section line and abut PPL Montana revised FERC boundaries (Operator Camp).

The tract is characterized as residential with cabins and associated structures. Please refer to the site plan in *Figure 9*, above.

The tract is approximately 1500 feet northwest of Hebgen Dam and elevation ranges from 6480 to 6560 feet. The habitat type consists of Douglas-fir/snowberry across the entire site. Overall timber volume for the 2.2-acre tract is approximately 25,500 board feet ((*Specialist Report - Timber and Old Growth, Hebgen Dam Parcel, Case #MTM-89593,* Land and Water Consulting, Inc., September 2003)

Land reservations of the United States, exceptions to title and uses to be recognized (Murray, Lee, USDA Forest Service Alberton Gorge Land Exchange. Update #1 Complete Appraisal Summary Appraisal Report, November 1, 2001.).
Reservations

a. Reserving to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).
b. Reserving all the geothermal steam and associated geothermal resources to the United States, or persons authorized by the United States, the right to prospect for, mine and remove such resources, upon compliance with the conditions and subject to the provisions and limitations of the Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1024).

Outstanding Rights
none

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

(The following **minerals** information is from the *Geologic Hazard, Mineral, and Energy Resources Specialist Report* prepared by Land and Water Consulting for the Alberton Gorge Land Exchange, Hebgen Dam Parcel, Case #MTM-89593, December 2001.)

The mineral estate on the Hebgen Cabin tract is owned by the FS and, in accordance with Forest land policy, will be transferred to River Network, then to NorthWestern Energy if the Alberton Gorge Land Exchange is completed.

Geology, Mineralization and Mineral Activity

The Hebgen Cabin tract is located in the southern portion of the Madison Valley where Precambrian (Archean) metamorphic rocks (gneiss) and Paleozoic and Mesozoic sedimentary rocks were thrust faulted and folded in Cretaceous time. Active normal faults parallel the Madison Range and trend northwest-southeast in the region of the tract. The leading edge of the Beaver Creek thrust plate is mapped about 2500 feet west of the tract and the Hebgen Fault, an active normal fault, is mapped about 300 feet west of the tract (Tysdal, 1990). The outcrops on the cliffs east of the tract and east of the Beaver Creek fault are Paleozoic-age limestone formations (Meagher limestone, Jefferson dolomite, and Madison limestone). The Madison River west of the subject property is flanked by Quaternary-age alluvium.

There are a series of active normal faults on the northeast side of Hebgen Reservoir. The epicenter of the August 1959 Hebgen Reservoir earthquake was about 12 miles southeast of Hebgen Dam. Algermissen and others (1990) estimate there is a 10 percent probability of exceedance of 0.43g ground motions in 50 years and 0.85 g in 250 years (equivalent to 500- and 2500-year return periods, respectively) for this region of Montana.

The tract is located in a seismically-active region that has potential for major ground disturbance. Geologic hazards include ground shaking and rupture from earthquakes and rock fall from nearby limestone formations. Hebgen Dam, upstream from the tract is predicted to be stable during predicted maximum earthquakes. The cabins on the tract could be affected by these hazards; however, the cabins survived the 1959 earthquake, which was nearly the same magnitude as the maximum probable earthquake for the area.

No rock outcrops were found on the tract, and Archean gneiss and Paleozoic sedimentary formations found near the tract do not show evidence of alteration or mineralization indicative of precious-metal deposits. Collumvium and rock “float” found on the tract do not show evidence of precious metal related alternation or mineralization. No economic deposits of precious metals have been found on or adjacent to the tract, nor is it located in a historic mining region. The closest mining prospect is located east of the tract in the southwest corner of Section 14. This was a uranium, phosphate and fluoride prospect inventoried by the US Bureau of Mines (USBM, 2001).

No mining claims have been staked on the tract (USDI BLM, 2001); however, the tract has been closed for mineral location because it is a designated recreation site.

Mineral Occurrence and Development Potential

Given the rock types on and near the subject property and the exploration history of the region, the potential for precious metal deposits on the Hebgen Cabin tract is very low.

No economic deposits of coal, oil, oil shale, or natural gas are located within 100 miles of the tract. No oil exploration wells have been drilled on or adjacent to the tract (DNRC, 2001). No wells have located oil or natural gas deposits in Gallatin or Madison Counties, Montana (DNRC, 2001). The Precambrian gneiss inferred to occur at depth on the subject property (Tysdal, 1990) is not a formation that would yield fossil fuels. If Paleozoic formations are present below the tract, the likelihood of these formations containing economically-extractable fossil fuels is relatively low, considering the character and productivity of these formations in the southwestern Montana region.

The potential for economic geothermal energy production at the tract is probably low. No geothermal wells or springs have been found on the tract. The geothermal fields of Yellowstone National Park are nearby, but springs and wells outside the park in the Hebgen Lake region have not proven favorable for economic energy production.

If mineral rights are not retained by the FS, a change in land ownership would remove these resources from public domain; however, the potential for the occurrence of mineral and energy resources is low to very low. A change of ownership would probably not forfeit potential economic deposits of precious metal, fossil fuel, or geothermal resources. No mining claims could be staked on the subject property.

If NorthWestern Energy acquires the Hebgen Cabin tract from the FS, the historic recreational use of the property would continue. This use would not cause soil instability or changes in geologic substructure. No changes are anticipated that would result in impacts to unique geologic or physical features of the area. Soil disruption, displacement, erosion, compaction or over-covering, which could reduce productivity or fertility are not anticipated. Changes are not planned that would change the siltation, deposition or erosion patterns, or modify the Madison River channel across Highway 287, west of the tract.

The cabins are currently subject to various geologic hazards; however, have withstood rock falls and a major earthquake with some repairs. The proposed exchange will not impact the potential occurrence of these natural hazards.

Air

Use of this tract will not change under NorthWestern Energy ownership. Air pollutants will not increase and ambient air quality will not decline as a result of the change in ownership. Objectionable odors, changes in air moisture, temperature patterns, local or

regional climate are not anticipated. No actions are foreseen that would conflict with federal or state air quality regulations.

Water and Flood Plains

The *Hydrologic Resources Specialist Report* prepared by Land and Water Consulting, Inc. (December 2001) states that due to the lack of streams, springs, ponds, lakes, intermittent drainages, moist swales or other water features on the tract, there are no related **flood plains.** No wells or septic systems are on this tract.

The recreational cabins share a septic system and water well with the Hebgen Dam operator homes owned by PPL Montana. If the exchange is completed, NorthWestern Energy and PPL Montana will enter a cooperative agreement allowing continued shared use of these systems. Traditional use of the recreational cabins will continue; therefore, there should be no changes to other water users, or existing water rights or reservations. No discharges are predicted that would conflict with federal or state water quality regulations.

NorthWestern Energy has not revealed any future actions that would result in negative impacts to area surface water and ground water quality or quantities. Amounts of surface water, drainage patterns, rates of surface runoff and the magnitude of flood waters are expected to remain unchanged.

Vegetation, Wetlands, Prime & Unique Farmlands

The *Botanical Specialist Report* prepared by Land and Water Consulting, Inc. (December 2001) identifies the following existing conditions on this tract. Vegetation is dominated by an overstory of pole to mature size Douglas-fir; understory is dominated by elk sedge (*Carex geyeri*), Idaho fescue (*Festuca idahoensis*), snowberry (*Symphoricarpos alba*), and similar dry forest species. The entire tract is considered Douglas-fir/snowberry (*Pseudotsuga menziesii/Symphoricarpos albus*) habitat type. The tract characteristics resemble the surrounding area on this same mountain slope. A complete list of plants observed on the site can be obtained from the specialist report filed at the FS Region 1 office in Missoula. The roadway leading to the main portion of the tract is dominated by non-native species of grasses.

The specialist report indicates that a search by the Montana Natural Heritage Program database did not identify any records of threatened or endangered species in the vicinity of the tract, nor were any observed when the site was visited. The threatened species found in Montana require more moist habitats than are found on the subject tract(*Howellia aquatilis* and *Spiranthes diluvialis*), or are found west of the Continental Divide (*Silene spaldingii*), far from the subject tract,. No sensitive plant species were observed during the site visits in November 2001 and August 2003 by Land and Water Consulting. Potential habitat for Gallatin NF sensitive plants is not present or very unlikely to occur on the Hebgen Cabin tract. FS surveys for sensitive plants conducted nearby the analysis area did not detect any sensitive plants (Lamont 2001). A list of Gallatin NF Sensitive Plant Species and the species encountered during the site visit of November 2001 are included in the *Vegetation Biologicl Assessment/Bilogical Evaluation* by Land and Water Consulting, September 2003.

The US Fish and Wildlife Service also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species; however, it has not been found in Gallatin County. It is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of the Hebgen Cabin tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.).

Ownership of this tract by NorthWestern Energy and similar future use is not expected to eliminate individual sensitive species or contribute to listing plant species as threatened or endangered.

The *Timber and Old Growth Specialist Report* prepared by Land and Water Consulting, Inc. (updated September 2003, Case #MTM-89593) estimates timber volume for subject 2.2-acre tract at 25,500 board feet, accounting for cabins and roads. The vegetation is dominated by an overstory of pole to mature size Douglas-fir: 8-30 inches diameter at breast height, 50-85 feet tall, and 50-225 years old. Average age is 175-200 years. One Douglas-fir snag is present on the site, diameter of approximately 30 inches.

According to the specialist report, the Hebgen Cabin tract is 30% below forest standards of old growth. It is part of a larger region of "recruitment old growth" on the north side of Hebgen Lake that will probably reach the full old growth criteria in 20 to 40 years. This area is not currently managed as old growth, and is therefore considered recruitment old growth.

The 2.2-acre parcel proposed for transfer has considerably less than 80,000 board feet of old growth **timber** noted above, due to the primary use of this tract for buildings, paths, roads, and parking.

Activities are not anticipated that would affect the diversity, productivity or abundance of plant species or plant communities, including foreseeable changes in old growth recruitment or harvestable timber.

Noxious weed management would fall under NorthWestern Energy's land management policies. The low numbers of vehicles accessing this parcel will help to limit the spread of noxious weeds.

The *Hydrologic Resources Specialist Report* prepared by Land and Water Consulting, Inc. (December 2001) states that there are no jurisdictional **wetlands** or related vegetation, soils or hydrology.

Limestone from adjacent Paleozoic-age limestone formations has eroded, covering the down-gradient slopes on this tract with alluvium and colluvium (Land and Water Consulting, *Geologic Hazard, Mineral, and Energy Resources Specialist Report*, December 2001.) Mark Story, Gallatin NF, added that soil types on this tract are mapped as 61-2A (electronic communication March 6, 2002). This soil type has typic argiborolls

and typic calciborolls formed on alluvial fans on 10-20% slopes. The soils have a dark calcareous surface layer, very gravely silt loam, about 20" thick (reference Davis, C.E., H.F. Shovic. 1996. Soil Survey of Gallatin National Forest, Montana. USDA Forest Service and Natural Resources Conservation Service. Bozeman, Montana, 209 pp.) There are no **prime and unique farmlands** in this tract.

Fish & Wildlife

There are no fish species on the tract due to lack of water features on this tract.

The *Wildlife Specialist Report* prepared by Land and Water Consulting (December 2001 and updated September 2003) states that the tract lacks habitat components for many species. Human activity at the cabins, Hebgen Dam caretaker residence, and Highway 287, likely influences wildlife use of the site. A variety of small mammals and birds are likely to pass through the analysis area, but no dens, nests, or other signs of permanent occupation were observed during November 2001 and August 2003 wildlife resources field reviews by Land and Water Consulting staff. These reviews broadly compared habitat conditions against the known habitat needs of species most likely to be at issue on this project. The most common game animals observed at the site by the dam caretaker are elk and deer.

The specialist report indicated that the Montana Natural Heritage Program database search revealed several threatened, endangered or sensitive species in the vicinity of the tract, including: grizzly bear, lynx, wolf, bald eagle, peregrine falcon, trumpeter swan, and cutthroat trout.

The dam caretaker has observed grizzly on the tract, and bald eagles passing over the tract. Canada lynx and wolves may sporadically pass through the area, as well. Designated critical habitat for these species does not exist on the tract. Marion Cherry, Gallatin NF Wildlife Biologist noted that NorthWestern Energy would be subject tot he Gallatin County ordinance regarding food storage and trash disposal, which would limit the potential for impacts to grizzly bears at the cabin area (written communication from Fred Haas to Ron Erickson dated October 30, 2003) . Bald eagles nest along the lake areas, but the Hebgen Cabin tract does not offer suitable resting and nesting characteristics. Peregrine falcons are known to inhabit the general area, but this tract does not provide nesting habitat.

Based on habitat suitability and FS records, other sensitive species may occur in the area, including: goshawk, Harlequin duck, wolverine, black-backed woodpecker, Townsend's big-eared bat, and boreal toad (FS Wildlife Biologist Andy Pils written notes on Draft EA, March 2003).

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were

considered in this environmental assessment. Many species are not present in this tract and may not be specifically discussed.

Endangered - black-footed ferret, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);

Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);

Proposed Threatened - mountain plover;

Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);

Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins);

Experimental, non-essential – gray wolf.

The Gallatin NF list of Management Indicator Species (MIS) includes the: grizzly bear, bald eagle, elk, wild trout, goshawk, and pine marten. The goshawk may occur in the area and the pine martin may occasionally utilize habitat on the property.

Forest associated migratory bird species common to southwest Montana are likely to use the Hebgen Cabin tract for nesting, feeding, loafing, and other various activities. Use of the tract is limited by its small size and lack of complex habitats. These species are protected under the Migratory Bird Treaty Act of 1918 and Executive Order 13186 (January 10, 2001) incorporating mmigratory bird conservation into agency programs.

The proposed exchange will not result in a change in land management over the current conditions. Because use of the site would be limited and intermittent, and existing wildlife use is light, effects on TES and other wildlife species from transferring ownership to NorthWestern are expected to be small, if any.

Human Environment

Noise & Electrical Effects

Continued occasional recreational use by NorthWestern Energy employees and their guests is not expected to increase noise levels. No changes to electrostatic or electromagnetic conditions are predicted. Radio and television reception will not be influenced by this exchange.

Land Use

The traditional recreational activity by the company employees and guests would continue as it has for many years. The productivity and profitability of the Hebgen Cabin tract would not be affected if ownership transfers to NorthWestern Energy. Transferring ownership from the FS would reduce government administration of this site. The continued intermittent recreational use of the parcel and its remote location will have little effect on area residences.

Risk & Health Hazards

Limited visitation and human use of the property presents little risk of explosion or release of hazardous substances in the event of an accident.

Land and Water Consulting completed a ***Hazardous Materials*** *Specialist Report*, December 2001, which did not find any recognized environmental conditions during a site visit or in the record search of the tract. No litter, debris, drums, household waste, hazardous material containers, or fuel storage tanks were found on the property or viewed on adjacent properties.

Continued recreational use of the tract by NorthWestern Energy is not expected to increase risks or health hazards.

Community Impact

Due to continued use as an employee and guest recreational retreat, the human population in the area is not expected to differ with the proposed exchange. The dam maintenance staff residence is the only home near the subject parcel. The social structure of the communities of West Yellowstone (18 air miles southwest) or Ennis (39 air miles northeast) will not change from the proposal, nor will the industrial or commercial activity in the area. Patterns of human movement to, from and within the site are not expected to change.

Taxes

It is estimated that taxes paid to Gallatin County would not significantly change. NorthWestern Energy currently pays taxes on the property improvements and Gallatin NF pays PILT and 25% Fund monies on the 2.2 acres of land. If the exchange is implemented, the land and improvements will be taxed as private property and paid by NorthWestern Energy.

Public Services, Utilities

The proposed transfer of the subject tract from the FS to NorthWestern Energy would reduce the level of future governmental services required. No new utilities are proposed by NorthWestern Energy. The water and septic system will continue to be shared with the Operator Camp systems under an agreement between NorthWestern Energy and PPL Montana. There is sufficient space on the tract to construct a septic system and water well, however, if necessary in the future.

The Hebgen Cabin tract includes approximately 450 feet of unimproved **road** to the cabins, which can be legally accessed directly from U.S. Highway 287. The road continues south and east onto FS lands and exits again on the highway. Continued access via this southern route allows for through traffic on a more moderate slope and reduces the space necessary for parking and turn-around. In compliance with the Forest Land Management Planning Act of 1976, the U.S. would issue a perpetual easement to NorthWestern Energy for use of the road on FS land. The U.S. will retain the right to

review the easement terms and conditions every 30 years and the U.S. will retain the right to use this road to access FS lands surrounding this tract.

No revenue is collected by the FS from this site. Maintenance costs for the roads, land, and buildings would be borne by the owner.

Aesthetics & Recreation

Transfer of this property will not alter the scenic vistas and aesthetic character of this area. Because the cabins are considered historically important, NorthWestern Energy has agreed to maintain them and has no plans for significant changes to the site. This site has not been open to the public in the past, therefore public recreational opportunities will not be altered.

This is not part of a recognized wilderness area or educationally important study area.

Cultural & Historical Resources

The land itself is the subject being transferred under the proposed exchange. The buildings located on this tract are owned by Northwestern Energy. These are considered contributing elements of the historic site "24GA848: Hebgen Dam Recreation Camp." The remaining structures (Operator Camp) that compose the historic site 24GA848 are owned by PPL Montana and would be managed under the stipulations agreed to under the Federal Energy Regulatory Commission license for the Missouri-Madison Hydroelectric Project.

The buildings on the Hebgen Cabin tract that contribute to the historic district are: the lodge, two 4-room cabins, a two-room cabin, two bath houses, and two abandoned outhouses.

NorthWestern Energy (formerly MPC) and PPL Montana have agreed to maintain the historic buildings of site 24GA848 according to the management plan developed during the FERC relicensing titled the "Hebgen Developments: Replacement in Kind" agreement or the "Continuity of Use" (COU) agreement developed in consultation with Montana SHPO. This plan was stipulated in the Missouri-Madison Hydroelectric Project Final Environmental Impact Statement (FERC, 1999; page 2-16) and Environmental Report (MPC, 1992; page E-1-45) (Land and Water Consulting, ***Cultural and Historical Resources*** *Specialist Report*, December 2001). NorthWestern Energy has agreed to implement this COU agreement on the subject tract as part of a conservation easement held by a qualified receiver. With this agreement adopted into a conservation easement, it will ensure that the historic property will continue to be managed in the same way as under FS ownership, thus no adverse effect (36 CFR800.9 c (2)) (electronic communication from Walt Allen, Gallatin NF Archeologist, March 27, 2002).

Evaluation of Mitigation or other Control Measures

If a portion of the overall Alberton Gorge Land Exchange fails, this proposal to transfer the Hebgen Cabin tract to NorthWestern Energy may fail, as well.

This component of the land transfer is not expected to conflict with local, state or federal regulations. Substantial debate is not expected about the nature of the impacts created, nor is substantial public controversy anticipated regarding the Hebgen Cabin tract since historic use will continue and no significant impacts have been identified.

The conservation of the historic site 24GA848 is an important element in this tract and can be accomplished through implementing the "Hebgen Developments: Replacement in Kind" or COU agreement in a conservation easement or restrictive covenants.

CHAPTER 4

ENVIRONMENTAL CONSEQUENCES

CHAPTER 4: ENVIRONMENTAL CONSEQUENCES

This is a summary and evaluation of certain cumulative effects of the exchange as brought to attention during the scoping process and public meetings, and the environmental assessment or which are critical to the NEPA or MEPA environmental review process. Specifics about impacts to individual tracts can be found in the respective sections in the document.

Summary of Impacts to Each Tract

The following *Table 4* lists the impacts by tract for comparison and a short narrative summarizes the primary impacts for each tract. The No Action column of effects primarily reflects the impacts possible if the Alberton Gorge tracts are privately developed, since the other tracts would remain in public ownership and experience no change in current conditions.

Tract A: Alberton Gorge River Corridor

Overall, the acquisition of Alberton Gorge River Corridor presents several minor negative impacts and many *positive* impacts to the physical and human environment.

The negative impacts created by the proposed exchange are primarily related to the proposed future primitive physical development at the three new fishing access sites and limited to1.5 acres of the approximately 320 proposed for acquisition. These improvements are considered site protection measures and to limit environmental impacts from increased visitation at these sites. Impacts such as dust and potential erosion are minor and temporary impacts, unavoidable during construction. Losses of land productivity, vegetation, and small non-game wildlife are considered minor due to the small acreage impacted. The impacts on the movement and the number of game, non-game and bird species in the area as a result of over 30,000 people using a confined area will continue, whether or not the land corridor is publicly owned.

The most notable positive impacts caused by the proposed exchange are related to the human environment, yet there are several positive impacts to the physical environment, too.

- Approximately seven miles of high quality fisheries habitat and water quality will be preserved.
- FWP will incorporate the property into its existing weed management plan to help combat a serious noxious weed problem in the area.
- Angling access and opportunities will increase.
- The aesthetics of a nearly wild corridor will be preserved.
- FWP will contribute approximately $11,174 more than what is currently paid into Mineral County tax accounts with few demands beyond current use on county or municipal government services.
- Tourism industries will benefit from the ability to advertise this recreational opportunity as public land and providing increased access.
- Cultural and historic resources (the railroad and other historic features) will be preserved, under the State Antiquities Act.

TABLE 4. Summary of Anticipated Impacts to Each Tract

	A:Alberton Gorge	***B:Lower Tarkio***	***C:Tarkio Section 35***	***D:Frank Lake FAS***	***E:R-5 Old Hdqtrs***	***F:Natural Bridge SP***	***G:Park Lake FAS***	***H:Tizer Lakes FAS***	***I:Hebgen Cabin***	**Summary of Impacts**	***NO ACTION***
Physical Environment											
Land Resources	Minor	Minor	Minor	None	Minor	None	Minor +	None	None	Minor	Minor
Air	Minor	Minor	Minor	None	Minor	None	None	None	None	Minor	Minor
Water	None	Minor	Minor	None	None	None	Minor +	None	None	Minor	Minor
Wetlands	Minor +	None	None	None	None	None	None (1)	None (1)	None	Minor +	Minor
Vegetation	Minor	Minor	Minor	None	Minor	Minor +	Minor +	None	None	Minor	Minor
Fish & Wildlife	Minor	Minor	Minor	None	None	None	Minor +	None	None	Minor	Minor
Human Environment											
Noise & Electrical Effects	Minor	Minor	Minor	None	Minor	None	None	None	None	Minor	Minor
Land Use	Minor	Minor	Minor	None	Minor +	None	Minor	None	None	Minor	Minor
Risk & Health Hazards	None	None	Minor	None	Minor	Minor +	None	None	None	Minor	Minor
Community Impact	Minor +	Minor	Minor	None	Minor +	None	None	None	None	Minor	Minor
Taxes	Minor +	Minor +	Minor +	Minor +	Minor +	Minor +	Minor +	Minor +	None	Minor +	Minor
Public Services & Utilities	Minor	Minor	Minor	None	Minor	Minor	Minor	None	None	Minor	Minor
Aesthetics & Recreation	Minor +	Minor	Minor	None	Minor +	Minor +	Minor	None	None	Minor +	Minor
Cultural & Historical Resources	Minor +	None	None	None	None	None	None (2)	None (2)	None(3)	None	Minor
Summary of Impacts	Minor	Minor	Minor	Minor +	Minor	Minor +	Minor +	Minor +	None	Minor +	Minor

None = no impacts are anticipated **Minor** = minor impacts may occur + = positive impact

(1) Wetlands are present at these sites; however, no impacts are anticipated due to the transfer of land ownership from FWP to FS.
(2) Cultural or historical resources are present at these sites; however, no impacts are anticipated due to the transfer of land ownership from FWP to FS.
(3) Cultural or historical resources are present at this site; however, no impacts are anticipated due to the restrictive easement NorthWestern would voluntarily place on the tract.

The proposed land exchange does not introduce any new potential risks. Traversing a river reach for fishing opportunities and running high class rapids is a recreational adventure available to the public on any navigable river as provided under the Montana Stream Access Law of 1984, and will continue on the Clark Fork though perhaps visitation would drop slightly, even if the Alberton Gorge River Corridor is under private ownership.

No deviations are anticipated from local, state, or federal law, regulations or standards or formal plans. State law mandates that FWP is responsible for developing any necessary plans for river use including registrations, fees, etc, even if the corridor is not acquired.

State or federal permits required for the development at the proposed new fishing access sites will be acquired after funding is procured and prior to any construction on the properties.

FWP acquisition of the Alberton Gorge is supported by a variety of agency resource managers, anglers, outfitters, sportsmen and -women, whitewater enthusiasts and general outdoor recreationists in the entire northwest region of the FS.

Tract B: Lower Tarkio

The transfer of the Lower Tarkio tract from the FS to River Network ownership poses few changes to current conditions. The Lower Tarkio tract would primarily provide road access to Tarkio Section 35 for future residential development and/or timber harvest. Eagle nesting potential is important, but the loss of Lower Tarkio is mitigated with a public land gain of suitable shoreline nesting habitat in the Alberton Gorge River Corridor. Mitigation regarding the transfer of Old Highway 10 within this tract has been completed as a result of FS consultation with SHPO.

Tract C: Tarkio Section 35

Tarkio Section 35 is the tract in this exchange that has the potential to undergo the most change in use and has raised the most concern from local citizens.

Of primary concern is the loss of wildlife habitat if this parcel is developed into 20-acre residential tracts as potentially allowed by Mineral County planning guidelines. In addition, hunting and recreation access would likely be denied if privately owned. Because this type of habitat is not unusual in Mineral County, and the county is over 80% public land, the cumulative impacts of developing this tract are considered minor. Threatened or endangered species are not at significant risk. And though there may be a small, but measurable, reduction in carrying capacity at the herd unit size, large population declines are not anticipated for elk. White-tailed deer will lose severe winter habitat, but populations are not expected to decline. It is probable that the hunter expenditures will remain in the county. Mineral County tax revenue would likely be higher than that generated from FS PILT and 25% Funds. Human distribution and density would increase if this tract is developed.

Consolidating FS and FWP lands at five other areas in the state will aid in habitat and recreation management. Acquisition of the Alberton Gorge will benefit linkage zones for more far-ranging species, which could be slightly impacted if Tarkio Section 35 was developed into residential homesites.

In an effort to mitigate adverse potential wildlife impacts resulting from development of Tarkio Section 35, River Network is pursuing a future land exchange with DNRC, which would allow Tarkio Section 35 to remain under public ownership and would prevent development. This tract adjoins two other sections also under DNRC management.

In the event that the DNRC land exchange fails and Section 35 is sold privately, River Network proposes to apply deed restrictions to mitigate adverse wildlife impacts. River Network has pledged to prohibit residential development on the north side of Interstate 90, keeping these 300 acres accessible to commercial timber harvest but not available for construction of buildings or other permanent human settlement. Although the character of the forest habitat will undergo periodic change through timber removal, the land will remain as part of the habitat base to support the regional wildlife population. This will include seasonal habitat use, as well as its function as a travel corridor.

South of I-90, there is the potential for limited residential development in Section 35, most likely 4 to 6 homesites. This represents a density of one house per approximately 40 to 60 acres, providing the possibility of localized wildlife disturbance by the activities of people, pets and vehicles but generally retaining the character of this open-space forested habitat.

Tract D: Frank Lake

Frank Lake is only 8 miles from the Kootenai NF Murphy Lake Ranger Station. It is an isolated, remote tract for FWP (Kalispell parks office), which can be more efficiently and actively managed by the FS with adjacent lands. The proposed FS designation of this site as a Special Interest Area (under Management Area 21) will protect historically important sites used in the lumber industry, habitat for federally sensitive species such as the loon and boreal toad, and recreational access to a quality fishery.

Tract E: FWP R-5 Old Headquarters

This tract is a maintenance and tax burden to the agency, with value only as a small storage area. This site can provide positive impacts to the community if developed in a responsible way by a private or municipal entity.

Development possibilities and probable impacts have been described assuming this property will be sold to one or more private entities and developed under the existing zoning restrictions.

The public will be involved via city council review of development proposals by the private entity. Conflicts with local, state, or federal regulations are not anticipated.

Tract F: Natural Bridge

Natural Bridge has been jointly maintained by the FS and FWP for nearly 20 years; however, FWP's activity at the site has declined due to its distance from FWP staff headquarters, and in anticipation of trading the property to the FS for over 10 years. The FS would be able to improve the existing recreational facilities at Natural Bridge, consolidate management of the site, and eliminate confusion about enforcement jurisdiction.

The proposed land transfer to the FS would change very little in the management of the site. Only minor impacts were identified in this assessment, which were positive:

- Vegetative impacts include the pro-active removal of noxious weeds by the FS;
- A very slight increase in Sweet Grass County revenue (approximately $33) may occur (currently is exempt from payments-in-lieu of taxes);
- Future intentions to improve the existing trail to increase accessibility and improve visitor safety will reduce visitor health hazards.

Tract G: Park Lake

Park Lake is surrounded by NFS lands. FWP has had this tract identified for disposal for over 10 years due to the distance from management staff (Helena) and its low regional priority. Consolidating management of the Park Lake area allows for future planning which could have positive impacts on the entire area for wildlife, recreation, and the environment. The FS could expand the recreational facilities and improving access to Park Lake, while emphasizing lakeshore protection. Consolidating the management of this site would eliminate public confusion and law enforcement jurisdiction concerns. These decisions are impaired by the current situation of dual ownership and management in the area.

Tract H: Tizer Lake

This tract is also surrounded by FS lands, including the Elkhorn Wildlife Management Unit. This, too, is a low FWP regional priority, and receives little oversight. Consolidation of the wildlife management unit would be effective and efficient.

The transfer of the Tizer Lakes FAS to FS ownership poses very few changes to current conditions. Tax revenue may increase very slightly, but management of the area will continue as it has in the past, but with more active and pro-active responses to any environmental concerns due to the FS presence in the area. FWP has had virtually no Parks presence at the site, and fisheries and wildlife are now managed cooperatively with the FS.

Tract I: Hebgen Cabin

Use of this tract will continue to be used intermittently by NorthWestern Energy with no changes to land management practices or land use. The company has voluntarily agreed not to allow commercial use of the site, nor subdivide it under a conservation easement to be implemented with a qualified third party. NorthWestern Energy would continue use of this recreational opportunity for their employees and guests. The company owns the

cabins, which are part of a historical site and would continue to be preserved. Transfer of the tract is not expected to affect TES, migratory birds or other wildlife habitat or use, though continued land management practices could recruit old growth forest.

Cumulative Effects Analysis

Mineral Potential

The Mineral Potential Reports prepared by Norm Smyers, Minerals Examiner, Lolo NF, and Bethany A. Ihle, Geologist, Helena NF (2000) and by Land and Water Consulting (2001), indicate that because the potential for development of the mineral resources on the exchange parcels is unlikely, the overall mineral estates are similar enough to exchange them without changing land valuation.

The reports go on to identify the following occurrences and development potentials.

Occurrence

Sections 34 and 35 and the Frank Lake State tract are favorable for the occurrence of sand and gravel deposits. The Park Lake tract is favorable for the occurrence of climax molybdenum and porphyry copper type deposits. The Tizer Lake tract is favorable for the occurrence of placer gold and porphyry copper type deposits. The Natural Bridges tract has a moderate potential for the occurrence of leasable minerals. The potential occurrence for other mineral deposits on the parcels is rated as low. The Hebgen Cabin tract has low likelihood for occurrence of mineral and energy resources.

Development

The potential for development of any of the minerals on the State parcels is low, primarily due to their development as recreation areas. Additional factors that reduce the potential for development on these parcels includes their relatively small size for leasable activities, hard rock and leasable industry conditions (metal prices and operating climate in Montana) and in the case of the Tizer Lake parcel, poor access to the site.

The potential for development of the outstanding minerals (locatable and leasable) on the Lower Tarkio federal parcel is low because the geology is unfavorable for their occurrence. Thus, the likelihood of a conflict between the surface owner and minerals owner is remote. The sand and gravel resources in the Lower Tarkio tract have been identified (Smyers, 2000) as having good quantity and quality. Because the sand and gravel resources in the Lower Tarkio tract would be exchanged with the surface, the private owner could have the discretionary ability to determine whether or not they would be developed. The potential for the development of mineral resources in Tarkio Section 35 is similar to the Lower Tarkio tract, with all the minerals transferred with the mineral estate.

The likelihood of mineral extraction use of these tracts is low, given land values for timber and residential development. If sand and gravel resources are extracted on Lower Tarkio tract and/or Tarkio Section 35, the aesthetic value of the area would diminish.

Some excavation on Tarkio Section 35 could be hidden from distant viewpoints (the river) due to the timbered, gentle slope of the tract.

Given the low likelihood of mineral development on the tracts to be transferred to River Network, and the transfer of FWP properties to the FS, the exchange will have no cumulative adverse effects on the mineral resources.

Access

Table 7, below, approximates the number of road miles acquired by each agency if the proposed exchange is implemented. The "Public Services, Utilities" section under the corresponding tract gives details identifying the roads within each parcel. Roads range from gravel, which serves all vehicles at a moderate user comfort (levels B4) to slow, single lane, rough road open to high clearance vehicles only (levels D2). Level of service and their maintenance conditions are expected to remain similar to the existing levels if the exchange is completed.

The FS will have a net loss of two-tenths of a mile (0.2) of roads in the proposed exchange. The primary gain is at Frank Lake (approximately 1.4 miles), which receives low visitation and currently is not maintained at a high level. In comparison to the thousands of road miles maintained by the NFS in Montana alone, this change in FS road ownership volume is negligible. This exchange does not propose to close any existing roads. The roads impacted by the exchange are primary access roads to the recreational attraction within the tract.

River Network will gain approximately 2.1 road miles, primarily in the acquisition of Lower Tarkio and Tarkio Section 35. Unless a future exchange occurs with DNRC, it is likely that the subject roads will be improved and additional roads improved or developed in Tarkio Section 35 to complete timber harvest and residential development. Road system design and development would be subject to county review, and according to the Mineral County planner, most likely would require some type of dust abating treatment.

Private road-miles added in Tarkio Section 35 could reduce the carrying capacity of elk. The wilderness-like aesthetic value of the tract would diminish. Hunters would not likely be able to use this property. This tract, however, is in a county and part of Montana where public, timbered land with few roads is abundant. Cumulatively, the loss of 2.1 miles of public roads with potentially a few more miles for subdivision purposes is not a significant adverse impact. The voluntary restrictions for development which River Network would place on the land would mitigate most impacts to wildlife.

The roads that FWP is disposing would continue to be open to the public under FS ownership to access the sites.

The public will gain a large amount of physical access to the lands along the Gorge to be access by foot, either from Highway 10 or the river. Acquisition of the old railroad bed has potential for future hike/bike paths. A precedent has been set by trails on the same

line east of the Montana/Idaho border. About 3 miles of railroad grade is included in the proposed properties along the Gorge.

TABLE 7. Summary of Road Miles Gained and Lost

Tract	***Existing Traffic Service Levels (A-D)*** [a]	***Existing Road Maintenance Levels (5-1)*** [b]	***Approximate Miles Gained or Lost***				
			U.S. gain	***U.S. loss***	***FWP gain***	***FWP loss***	***River Network gain***
A-Alberton Gorge	D	2			0.6		
B-Lower Tarkio	B	4		0.9			0.9
C-Tarkio Section 35	D	2		1.1			1.1
D-Frank Lake	C	3	1.4			1.4	
E-FWP R-5 Hdqtr	n/a	n/a				0	0
F-Natural Bridge	B	4	0.1[c]			0.1	
G-Park Lake	B	4	0.3[c]			0.3	
H-Tizer Lake	D	2	0.5			0.5	
I-Hebgen Cabin	D	3		0.1			0.1
TOTALS	**-**	**-**	**2.3**	**1.8**	**0.6**	**2.3**	**2.1**

[a] Traffic Service Levels (based on FS Manual 7709.58,10):
- A – Serves all vehicles on a safe, stable, smooth road surface.
- B – Serves all vehicles, slower speeds, periodic dust and traffic congestion.
- C – Limited use, low speed, limited passing, with some difficult segments.
- D – Singular use, slow, one-way traffic on rough, irregular surface.

[b] Road Maintenance Levels (based on FS Manual 7709.58,10):
- 5 – High user comfort.
- 4 – Moderate user comfort
- 3 – Open to passenger car use.
- 2 – High clearance vehicles.
- 1 – Closed; custodial care only.

[c] Roads within these tracts are currently under an easement to the FS from FWP. If the exchange is implemented, no net gain or loss will be incurred.

Wetlands and Flood Plains

Details of the wetlands or flood plains information listed below, can be read under the individual tracts, in the "Water and Flood Plains" section, and the "Vegetation, Wetlands, Prime & Unique Farmlands" section. Wetlands on the FWP properties proposed for transfer to the FS were estimated primarily using information provided by EA Engineering, *Little Lost Creek Land Exchange Wetlands/Riparian Areas Resource Report*, November 1992, prepared for the U.S. Forest Service and local FS or FWP staff. Wetlands and flood plains information on the Lower Tarkio tract and the Tarkio Section 35 is based on evaluation by Lolo NF Hydrologist, Arne Rosquist in June 2000.,

Wetlands in the Alberton Gorge (at proposed fishing access sites only) were evaluated by the local FWP wildlife biologist. Flood plain estimates are based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Boundary Maps provided by Karl Christians, DNRC Flood Plain Management Section Supervisor, Helena or local FS staff.

TABLE 5. Transfer Summary of Estimated Jurisdictional Wetlands and Flood Plains.

Tract	disposing agency	acquiring agency	total tract acres	estimated acres of jurisdictional wetlands	estimated acres 100 year flood plains
A-Alberton Gorge	NorthWestern Energy	River Network/FWP	approx. 320	0 at FAS sites	160
B-Lower Tarkio	U.S.	River Network	34.40	0	0
C-Tarkio S 35	U.S.	River Network	640.00	0	0
D-Frank Lake	FWP	U.S.	90.40	0	7.5
E-FWP R-5 Hdqtr	FWP	River Network	2.66	0	0
F-Natural Bridge	FWP	U.S.	40.00	0	0
G-Park Lake	FWP	U.S.	95.88	46	0
H-Tizer Lake	FWP	U.S.	142.29	9	0
I-Hebgen Cabin	U.S.	River Network/ NW Energy	approx 3.00	0	0
TOTAL ACRES ACQUIRED		U.S.		55	7.5
		FWP		0	160
		RIVER NETWORK		0	0

All wetlands and flood plains included in the proposed exchange will come under federal or state ownership and will be afforded protection under state and/or federal laws. No wetlands or flood plains will transfer into private ownership as a result of this exchange. No adverse effects will occur to wetlands because the stewardship responsibility will be shifted from FWP to the FS. The FS will experience a net gain in wetlands and flood plains.

Old Growth and Timber

The FS is not disposing of old growth timber in the Lower Tarkio and Tarkio Section 35 tracts according to Mike Hillis, former Wildlife Biologist on the Lolo National Forest. The Hebgen Cabin tract does contain a small amount of timber that is considered old growth recruitment, but is not currently managed for old growth (*Specialist Report – Timber and Old Growth,* Case Number MTM-89593, Land and Water Consulting, September 2003).

Evaluations were not completed to determine old growth timber on all the state parcels, since the stewardship of these areas will come into federal ownership and would be protected under the individual Forest Plans and federal protection law. Details of timber types and how the volumes were estimated on the individual parcels can be read under the respective sections and the subheading: "Vegetation, Wetlands, Prime & Unique Farmlands." Or the FS can be contacted to review the individual specialist reports.

TABLE 6. Summary of Estimated Board Feet to be Transferred from/to the FS.

	FS transfers to River Network				***FS acquisitons***			
	B:Lower Tarkio	***C:Tarkio Section 35***	***I:Hebgen Cabin***		***D:Frank Lake FAS***	***F:Natural Bridge SP***	***G:Park Lake FAS***	***H:Tizer Lakes FAS***
MBF of Timber	100	5,110	25		880	-	100	392
Total MBF	5,235+ mbf				1,372+ mbf			

*MBF = thousand board feet

The net loss of timber volume above is not considered a significant adverse impact. The timber loss primarily occurs with the disposal of Tarkio Section 35 and Lower Tarkio, which do not include old growth timber. Agency wildlife biologists concur that the loss of this small acreage of potential old growth habitat on Tarkio Section 35 and 34 will not place pileated woodpeckers at significant risk in the area. The loss may adversely impact individuals, but will not lead to federal listing of flammulated owls. Private and corporate lands in the Tarkio area are larger tracts including timber, and two timbered sections of state land border Tarkio Section 35. These tracts are in an area of the county and state that has a high percentage of publicly owned and timbered land; therefore, the disposal not a large loss to the overall NFS nor wildlife.

The Hebgen Cabin tract timber would not be harvested if FS retained ownership due to its old growth recruitment values, nor would it be removed after transfer to NorthWestern Energy due to its aesthetic values near a recreational cabin site. The exception would be to provide visitor safety. Wildlife use of the potential old growth features on this tract (in

the immediate vicinity of the cabins) may be precluded by human use whether or not the FS owns the tract. Due to the small acreage and no change in use of the Hebgen Cabin tract, this transfer of this site to private ownership will have no adverse effect to the Gallatin NF, wildlife, or overall source of old growth resources.

The FS will replace about 25% of the timber volume lost in the exchange with tracts acquired from FWP, considered inholdings and adjacent lands. The benefit of the acquired timber is the ability of the FS to manage these areas in ways that coincide with adjoining area timber (old growth) management practices and wildlife habitat.

Fish and Wildlife

Wildlife and habitat are generally expected to benefit on the tracts transferred to FWP and the FS. The exchange would enable the agencies to actively manage the sites with specific resource goals. They will be able to protect the sites from overuse and irresponsible use. Acquisition of the Alberton Gorge will connect blocks of public land for better linkage zones used by wide-ranging species. Fisheries habitat for the threatened bull trout and native westslope cutthroat trout can also be protected.

Angling opportunities will increase along the Alberton Gorge with the development of three new fishing access sites. The pocket water in this stretch offers some good fishing. Angler harvest is not expected to detrimentally affect the fish population in the Clark Fork River. Bull trout are not common in this stretch, and regulations prohibit purposeful angling for bull trout due to their threatened status. Westslope cutthroat trout must be released as part of the state's recovery program, as well. Incidental catch of these species may increase from the additional anglers. The new FASs provide an avenue to post educational material about these species to mitigate potential impacts.

Angling opportunities and fish populations at the FWP tracts transferred to the FS will remain similar to historic levels.

It is foreseeable that all gentle slopes between Missoula and Superior would become developed with homes in the next 50 years. The Gorge will retain some of those gentle slopes on the north and south sides of the river for wildlife habitat. Wildlife migration corridors between the Bitterroot Divide south of the river and the Ninemile Divide north of I-90 will be somewhat improved because FWP acquisition of Alberton Gorge will connect several public properties north and south of the river.

Conversely, Tarkio Section 35 would remove a portion of a public land block. It is recognized that the wildlife habitat in Tarkio Section 35 will change if development occurs, though not eliminate the ability for wildlife to cross in this area using public land. Existing effects include: traffic on I-90, existing residences, ecosystem burning and logging in the Stark Horse area. One sensitive species, the flammulated owl, could be affected to a minor degree in the future due to a lack of old growth recruitment if Tarkio Section 35 is developed. Minor impacts are anticipated to white-tailed deer and elk, and hunting opportunities. There will be a minor increase in nuisance species and crop

depredation. Because the impacts to wildlife are not expected to cause large population declines in regional wildlife, the Alberton Gorge Land Exchange is not anticipated to greatly impact wildlife adversely.

Restrictions voluntarily placed on development within Section 35 by River Network would mitigate potential impacts to wildlife. As discussed in the Summary of Effects section above, that portion of the section north of Interstate 90, about 300 acres, would be limited to timber management practices. The area south of Interstate 90 would be limited to probably four to six residential lots, thus ranging in size from 40-60 acres. Furthermore, River Network is pursuing a future exchange which would place the Tarkio Section 35 under DNRC management, rather than sell residential lots.

Hazardous Materials

All sites being transferred to the FS or FWP were surveyed for the presence of hazardous materials. Soils and water quality testing for various materials found in Park Lake as a result of historical mining were found to be below standard state levels. Soil replacement occurred at the FWP Old Region 5 Headquarters to remove petroleum waste; asbestos siding is present on one of the residences on the property. Hazardous materials were not found at other sites in the exchange, nor will hazardous materials be produced on these sites.

Community Impact

The transfer of the state tracts to the FS will not change their use for recreation, therefore few if any changes to the area communities are anticipated. The traditional rafting will continue in the Alberton Gorge, with an increase in angling opportunities, however, this is also not expected to alter the surrounding communities. It will add an element to the tourism industry to aid with attracting visitors.

Tarkio Section 35 has the potential to undergo the most change in use, therefore it also has the highest potential for impacting the neighboring communities of Tarkio and Superior. In the long-term, this change would be anticipated without the current exchange. There is a demand in western Montana for land to build recreational homes or rural residential homes. Though this development has a tendency to change the social make-up of a community, it is bound to happen to some degree. Tarkio Section 35 is an isolated parcel with low priority within the agency because of this. The benefit of the proposed exchange is that public land (FS) is exchanged for public land (Alberton Gorge) in the same county. Surprisingly, this exchange does reduce the amount of public land in the county, which is of local interest.

River Network is attempting to mitigate impacts to Mineral County by pursuing a future exchange that would allow development in areas in which the county planners feel correspond more to surrounding development. This has been supported by Mineral County.

Taxes

Counties across the state will generally see a slight increase in payments received from the new property owners. The FS payments will be slightly higher than what FWP paid for the same land, based on previous years PILT and 25% Fund data.

Because Mineral County consists of over 80% public land, tax base is an important issue to their local infrastructure. NorthWestern Energy paid a minimal amount on the Gorge property. The proposed exchange will increase taxes (PILT) paid to the county by about $11,174 from FWP, alone. This will come from the fishing license funds because the lands taxed will be fishing access sites.

Recreational Opportunity and Aesthetics

The entire exchange arose from the general public's desire to preserve a rare environmental expanse for generations and realizing that the trend of Montana's landscape is to become scattered with homes. The benefits of open space are being recognized across the nation. A large benefit of FWP acquiring Alberton Gorge is to retain the aesthetic values of the timbered and rocky canyon walls. The Alberton Gorge conserves a 7-mile corridor for a variety of pubic outdoor recreation activities. It attracts people from a broad area, including local towns, the state, the northwestern states and foreign countries. The acquisition of this tract by FWP allows continued use and improved access of the tract. The proposed FASs will help disperse the volume of visitors and disperse user types. More of the Gorge can be utilized and allow more people to enjoy its recreational opportunities in a variety of ways.

FWP Region 2 State Parks Manager Lee Bastian and local guides are seeing use in the greater Alberton Gorge is steadily increasing. Camping is becoming more common at certain areas along the Gorge and may continue to increase with more land available, particularly on higher benches. Floaters have a limited number of places that physically allow camping or day use by groups. These points of recreation may become crowded and reduce the solitude and quiet aesthetics of the area. Some of these impacts are occurring now and would continue if the No Action alternative is chosen. The proposed exchange, however, allows FWP to better manage the corridor, resources, and recreational opportunities, including planning, monitoring, and implementing strategies that can address problems. Agency ownership of the Gorge allows flexibility in solving problems.

The number of commercial companies providing rafting trips cannot increase due to a FWP Commission rule, which limits the number of outfitters; however, the total number of people served by these companies is not limited. Private individuals wishing to traverse the Alberton Gorge are not limited. Kayaking use seems to be increasing and as extreme sports gain popularity, recreationists may begin using the Gorge for new sports. If visitation continues to increase, the solitude currently offered in this canyon may decline. Some type of restrictions limiting floaters or visitors may be necessary in the future.

The transfer of four state parcels to the FS will provide historically similar recreation opportunities. Incorporation of these tracts into the Forest Plans and developing formal management plans for these sites will thoroughly evaluate the potential for recreation while protecting the environment. The projects proposed by the FS will improve access for those with disabilities as well as reduce risks to the user. The use of the sites will remain similar to existing use, therefore overall impacts will be slight.

The Montana Department of Commerce-Travel Montana supports the land exchange because it secures long term public access at the Gorge and the other 4 tracts around the state. The exchange can also maintain and improve the quality of recreation opportunities. Please refer to the Tourism Report in **Appendix 2**.

The transfer of Tarkio Section 35 has been controversial at the local level due to the potential loss of public recreation opportunities if developed into residential home sites. This loss has been recognized and mitigation is being pursued with a future land exchange that would return this tract to public ownership (DNRC). In the current exchange, the loss of recreation in Tarkio Section 35 would be exchanged for recreation opportunities in the Alberton Gorge and management improvements at other recreational facilities. The large-scale benefits of improving recreation in these areas, and thus focusing residential development and aesthetic impacts in one area slated for disposal by the FS, are thought to outweigh the alternatives. The number of people impacted by retaining an isolated parcel of FS land is much fewer than the thousands of people influenced by recreating in the Gorge, canoeing at Park Lake, riding an OHV into Tizer Lake, fishing at Frank Lake, and hiking at Natural Bridge.

Aesthetics of Tarkio Section 35 would be slightly altered with the addition of homes and associated buildings on this section. The interstate cuts through the section; the old Highway and logging roads traverse the section; the railroad grade contributes a man-made grade and large cut bank above the river on the Lower Tarkio tract. If developed as the county growth and development plan suggests, into 20-acre parcels, the timber retained in the section and the gentle slope of the property will aid in softening the aesthetic impacts of development. This is considered a minor negative impact to the local existing residents. The locale and character of this property will be aesthetically attractive to people looking to buy rural residential property and become a member of the community.

Cultural & Historical Resources

Any cultural sites occurring on lands transferred to the FS from FWP will be afforded continued protection pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (NHPA 16 U.S.C. 470 (f)) as federal property, which meet or exceed Montana cultural site protection requirements. Thus, no impacts would be incurred to lands transferring to the FS.

The Alberton Gorge will be afforded similar consideration under FWP ownership. The proposed fishing access site areas have been surveyed for cultural sites. FWP consulted with SHPO and both determined that the proposed construction at these sites would not alter resources with cultural or historical significance.

The Tarkio tracts proposed for transfer from the FS to River Network do include portions of the Old State Highway 10. The Lolo NF has consulted with the SHPO, and after the FS mitigated concerns regarding the old highway in this tract, SHPO has approved FS disposal of the Lower Tarkio tract.

NorthWestern currently owns the cabins on the Hebgen Cabin tract which contribute to the historical significance of the site. The company has agreed to continue the historical use of the site and to formally protect the resources by voluntarily implementing a conservation easement with a qualified third party.

CHAPTER 5

CONTRIBUTING SOURCES

CHAPTER 5: CONTRIBUTING SOURCES

Individuals Responsible for Preparing the EA and Contributing Sources

The team primarily responsible for preparation of the EA included:

Sue Dalbey, independent consultant responsible for compiling information and drafting and revising the environmental assessment: Dalbey Resources, 926 N. Lamborn, Helena, MT 59601; 406-443-8058.

Darlene Edge, FWP Realty Specialist, P.O. Box 200701, Helena, MT 59620-0701; 406-444-4042

Lisa Subcasky, former FS Realty Specialist, Federal Bldg., 200 E. Broadway, PO Box 7669, Missoula, MT 59807; 406-329-3126 (no longer in the Region)

Ron Erickson, Northern Region Group Leader-Land Adjustments, Federal Bldg., 200 E. Broadway, PO Box 7669, Missoula, MT 59807; 406-329-3623 (replaced Subcasky)

Basic information about Natural Bridge SP, Park Lake, and Tizer Lakes was obtained from specialist reports prepared for the FS in 1992 when these tracts were included in a previous proposed land exchange, but later removed to equalize those exchanges. These specialist reports included mineral potentials, threatened and endangered species, watershed and flood plains, and wetland/riparian research on these tracts by EA Engineering, Science, and Technology, located in Redmond, Washington. Historical Research Associates, Inc. from Missoula, Montana, provided cultural resources inventories for these three tracts in 1992. Local specialists provided updated information for these tracts during the EA review process.

Specialist Reports regarding the Hebgen Cabin tract were prepared by Land and Water Consulting, Inc., 1120 Cedar Street, PO Box 8254, Missoula, MT 59807 or call directly 406-721-0354.

Other specialist reports were prepared by agency staff personnel as appropriate.

All reports can be viewed at either the FWP Lands Office, 1420 East 6th Avenue, Helena, MT, or call Darlene Edge at 406-444-4042; or visit the FS Region 1 office, 200 East Broadway, Missoula, MT; call Ron Erickson at 406-329-3623.

A variety of primary agency staff, among others, provided the EA preparation team with information, reviewed and edited the Environmental Assessments.

Fish, Wildlife and Parks Staff

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Rob Brooks	Responsive Management Unit; 406-444-5786
Rich Clough	Chief of Operations; 406-444-9817 (retired)
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Bobbi Keeler	Federal Aid Coordinator; 406-444-4756
Allan Kuser	Fishing Access Site Coordinator; 406-444-7885
Ken Phillips	Construction Section Supervisor; 406-841-4002
Ken Soderberg	former Land & Water Conservation Fund Coordinator; 406-444-3701
Walt Timmerman	Land & Water Conservation Fund Coordinator; 406-444-3753
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REGION 2-MISSOULA 3201 Spurgin Road, Missoula, MT

Lee Bastian	Region 2 Parks Manager; 406-542-5517
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Dennis Flath	Nongame Coordinator, 1400 South 19th , Bozeman, MT 59718; 406-994-6354 (retired)
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Mike Poore	Fisheries Biologist, Columbus, MT 59019; 406-322-4743 (retired)

Forest Service Staff

REGION 1 OFFICE

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GALLATIN NF

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Mark Story	Hydrologist, Bozeman, MT; 406-587-6713

HELENA NF

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KOOTENAI NF

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Lynn Johnson	Wildlife Biologist, Murphy Lake, MT; 406-882-4451
Ed Monnig	former District Ranger, Murphy Lake, MT; 406-882-4451 ext 3110
Becky Timmons	Archeologist, Libby, MT; 406-293-6211

LOLO NF

Jennifer Eberlien	Archeologist, Missoula, MT; 406-329-3713
Mike Hillis	Wildlife Biologist, Missoula, MT (moved)
Loren Kroenke	Ninemile District Ranger, Huson, MT (moved)
Sandy Kratville	Wildlife Program Manager, Missoula, MT; 406-329-3792
Janet Krivacek	Lands Specialist, Missoula, MT;
Brian Riggers	Fisheries Biologist, Missoula, MT; 406-329-3793

Other Sources

Dave Brink	Administrator for the Mineral County Conservation District, Superior, MT; 406-822-3545
Bruce Bugbee	NorthWestern Energy Consultant, Missoula, MT; 406-751-4579
Karl Christians	Flood Plains Management Section Supervisor, DNRC, Helena, MT; 406-444-6654
Peter Dayton	Attorney & Missoula Whitewater Association member, Ste 600, 111 N. Higgins, PO Box 4747, Missoula, MT 59806; 406-721-3400
Wayne Marchwick	former Mineral County Planner and Sanitarian, Superior, MT; 406-822-3526
Ken Margolis	Senior Associate, River Network, Portland, OR; 503-241-3506
Marylee Norris	Special Use Supervisor, DNRC, PO Box 201601, Helena, MT 59620-1601; 406-444-2074 (deceased)
Bob Rich	Forester, DNRC, Missoula, MT; 406-542-4345
Hugh Zackheim	Director, Northern Rockies Office of River Network, Helena, MT; 406-442-4777

Montana Natural Heritage Program, Helena, MT
State Historic Preservation Office, Helena, MT

APPENDICES

APPENDIX 1
PROJECT QUALIFICATION CHECKLIST
MONTANA CODE ANNOTATED 23-1-110

Date: May 15, 2000
Updated January 14, 2003

Person Reviewing: Sue Dalbey, consultant
Dalbey Resources

Project Location: Three proposed fishing access sites within the Alberton Gorge River Corridor proposed for acquisition.

Upper Osprey FAS

The first proposed new site is approximately one mile downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 3a on page 22 in the 1998 appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;
Section 35, Portion of Government Lots 3, 4, 5.
Total Acreage = 17.29 acres

Middle Osprey FAS

The second proposed new site is approximately three miles downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 10a on page 22 in the 1998 appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;
Section 34, Government Lot 4 and old railroad right-of-way.
Total Acreage = 15.39 acres

Lower Osprey FAS

The third proposed new site is approximately 4½ miles downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 13a on page 22 in the 1998 appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;
Section 33, Government Lots 3, 4 and old railroad right-of-way.
Total Acreage = 24 acres

Description of Proposed Work:

Upper, Middle and Lower Osprey Fishing Access Sites will be kept primitive in nature, with minimal development completed by 2006 to deter environmental degradation by indiscriminate use. These sites will allow day use only. Future development proposed includes:

- slight improvements to the trails leading to the river (approximately 500 feet from the parking area to the shoreline at each site),
- one latrine per site,
- signs to identify the sites and regulate use,
- gravel entry roads (approximately 150 feet long by 20 wide at each site)
- and gravel parking areas to accommodate approximately six, thirteen, and eight vehicles respectively at the Upper, Middle, and Lower fishing access sites.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check ✓ all that apply and comment as necessary.)

[✓] A. New roadway or trail built over undisturbed land?
Comments*: Some portions of the entrance drives and parking areas may be developed on undisturbed land. Much of the area has been disturbed in the past with construction of the abandoned railroad, clearing for the adjacent power line.*

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments*: Only pre-built, sealed vault latrines will be installed.*

[✓] C. Any excavation of 20 c.y. or greater?
Comments*: Construction of the entry roads and parking areas will require excavation of more than 20c.y.*

[✓] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments*: New parking lots will be constructed to provide off road parking for 6-13 vehicles.*

[ ] E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?
Comments*: None*

[ ] F. Any new construction into lakes, reservoirs, or streams?
Comments*: None: all construction will take place on the benches approximately 400 feet above the Clark Fork River. Minor trail improvements will occur to access the river area, but primitive trails will end above the floodplain.*

[✓] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments*: MFWP has contracted services to complete a cultural survey on these sites in 2001. Construction will not begin until after the survey is complete and SHPO concurrence is received. (Update: SHPO concurrence received March 2, 2001. FWP will install interpretive signs regarding the historic Chicago, Milwaukee, St. Paul and Pacific Railroad, site 24MN164; road construction can cover, but not cut into, railroad bed, which crosses all three proposed FASs.)*

[ ] H. Any new above ground utility lines?
Comments*: None*

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments*: None: these sites will allow day use only.*

[✓] J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?
Comments*: Though these areas have demonstrated use by anglers and recreationists, and proposed facilities are primitive, the addition of formal parking areas and latrines will change the features of these three areas, which currently have no improvements.*

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX 2
TOURISM REPORT
MONTANA ENVIRONMENTAL POLICY ACT AND 23-1-110 MCA

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by HB495 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Victor Bjornberg, Tourism Development Coordinator
Travel Montana-Department of Commerce
PO Box 200533
1424 9th Ave.
Helena, MT 59620-0533

Project Name: Alberton Gorge Land Exchange

Project Description: MFWP tracts will be transferred to the US Forest Service. The non-profit organization, River Network, will acquire lands from both agencies, which they will sell in order to purchase a land corridor along the Clark Fork River owned by Montana Power Company. This corridor, known as Alberton Gorge, will be transferred to MFWP.

1. Would this site development project have an impact on the tourism economy?
   ☐ NO ☒ YES If YES, briefly describe:
   Securing long term public access to the Alberton Gorge and protecting the area's viewshed provides a positive, beneficial impact on western Montana's tourism economy. Fishing and water recreation are important attractions for Montana's visitors and residents. The various land exchanges maintain public ownership and access as well.
2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   ☐ NO ☒ YES If YES, briefly describe:
   The quality of the recreation/tourism opportunities and settings will be maintained and may be improved by the land consolidations ~~with~~ under the various agencies' jurisdictions. Public ownership and management of the lands around the Alberton Gorge provides long term benefits for Montana users and non-resident users.

Signature Victor A. Bjornberg, Travel Montana Date Aug 10, 1999

APPENDIX 3
SHPO CONCURRENCE OF STATE LAND TRANSFER AND DEVELOPMENT

Montana Fish, Wildlife & Parks

20010213 13

Design and Construction Bureau
600 North Park Avenue
P.O. Box 200701
Helena, MT 59620-0701

RECEIVED

BY:

February 9, 2001

Mark Baumler
SHPO
PO box 201202
Helena, MT 59620-1202

MONTANA SHPO
DATE 2 Mar 2001 SIGNED

Dear Mark:

ALBERTON

The Department of Fish, Wildlife, and Parks is receiving several parcels of property in a land exchange. The parcels we will be receiving are from the Montana Power Company and the parcels we will be trading away will be going to the U.S. Forest Service. Part of the properties going to the USFS have been acquired through the use of federal funds administered by the USFWS. The federal restrictions will be transferred from the property leaving state ownership to the property being acquired by the state.

As the Department is proposing to develop fishing access sites at these properties the acquisition and development of these parcels are an undertaking under the 106 Regulations.

Attached you will find a Cultural Resource Inventory report for the properties and the proposed developments. Based on the inventory report, site 24MN164 (Chicago, Milwaukee, St. Paul & Pacific Railroad) is present at all three of the properties. An additional site 24MN1112 was recorded on one of the parcels. Site 24MN164 is listed as an eligible property and site 24MN1112 does not appear to be an eligible property due to lack of significant associations and loss of integrity.

Based on this report we believe that there will be no historic properties affected by this proposed land exchange and development of the three fishing access sites.

Please review this proposed project and provide us with your comments. Thank you.

Sincerely,

Paul Valle
Cultural Resources Coordinator

APPROVED
MAR 05 2001
DESIGN & CONSTRUCTION
DEPT. OF FISH, WILDLIFE & PARKS

Attachment