



# Frequently Asked Questions

## Proposed Porcupine Ibex Trail

Custer Gallatin National Forest, Park County, Montana

### **Why is this new trail being proposed?**

Public access to public lands is a critical issue. Though the historic Porcupine Lowline Trail (FS Trail #267) has been on Forest Service maps for decades, no recorded easement across private land exists. In recent years, the public's right of access along Trail #267 has been in dispute.

Whenever possible, the Forest Service believes the best option to resolve public-private land conflicts is through respectful dialogue. This proposal is a result of these conversations and ongoing efforts between the Forest Service, landowners, access advocates and recreationists and is an opportunity to provide more immediate access to public land in the western area of the Crazy Mountain range.

### **Will this proposal resolve the access dispute and provide opportunity for users?**

The proposal addresses long term public interests by securing recorded easements for the portions of trail on private land and relocating the majority of the trail onto public land to provide access to the west side of the Crazy Mountains. The proposed route would provide for a variety of recreational uses while also providing access to areas of the National Forest not previously reachable.

### **How much will the new trail cost and how will the Forest Service secure funding?**

The projected cost of new trail construction is between \$140,000 and \$180,000. The Forest Service believes funds could be secured through partnerships within a reasonable time.

### **If this new trail is constructed, what will happen to the Porcupine Lowline trail (FS Trail #267) and the lower portion of Elk Creek (FS Trail #195)?**

If a decision is made to construct the new Porcupine Ibex Trail, the Forest Service will secure all required easements for the construction of the new trail and relinquish interest in portions of the current Porcupine Lowline Trail (#267) and Elk Creek Trail (#195). The Forest Service will relinquish interest on the current Porcupine Lowline trail (#267) in sections 15, 22, 27, 34, 35 and lower portions of Elk Creek trail (#195) in section 15, within Township 4 North and Range 10 East.

### **How soon could a new trail be constructed?**

If the decision is made to build the new trail, layout and design work could began as early as summer 2018. Award of a construction contract and work would begin in 2019, depending on funding.

### **Where can I get the scoping notice and provide comments**

The scoping notice and opportunity to comment can be found on the Porcupine Ibex Trail projects website <https://www.fs.usda.gov/project/?project=53388>.

### **What is the status of the conversations concerning access on the east side of the Crazy Mountains?**

The Forest Service continues work toward resolutions for ensuring public access on the east side of the Crazy Mountains.

## **What is ‘scoping’?**

The process of scoping is an integral part of environmental analysis. Scoping includes refining the proposed action, determining the responsible official and lead and cooperating agencies, identifying preliminary issues, and identifying interested and affected persons. Effective scoping depends on all of the above as well as presenting a coherent proposal. The results of scoping are used to clarify public involvement methods, refine issues, select an interdisciplinary team, establish analysis criteria, and explore possible alternatives and their probable environmental effects (Forest Service Handbook 1909.15)

Although the Council on Environmental Quality (CEQ) regulations (40 CFR 1500) require scoping only for environmental impact statement (EIS) preparation, the Forest Service has broadened the concept to apply to proposed actions, included those that may be categorically excluded (36 CFR 220.4(e)(1) and 36 CFR 220.6).

The Forest Service applies the concept of scoping to all proposals without regard to whether or not the results of the analysis are to be documented in an EIS, an environmental assessment (EA), or categorically excluded (CE) from these documents. The methods and degree of the scoping effort undertaken for a given project vary depending on scope and complexity of the project. As part of the scoping process the Forest Service has invited the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and known other interested persons.

## **Does use of a categorical exclusion mean anticipated environmental effects of the proposed action will not be evaluated?**

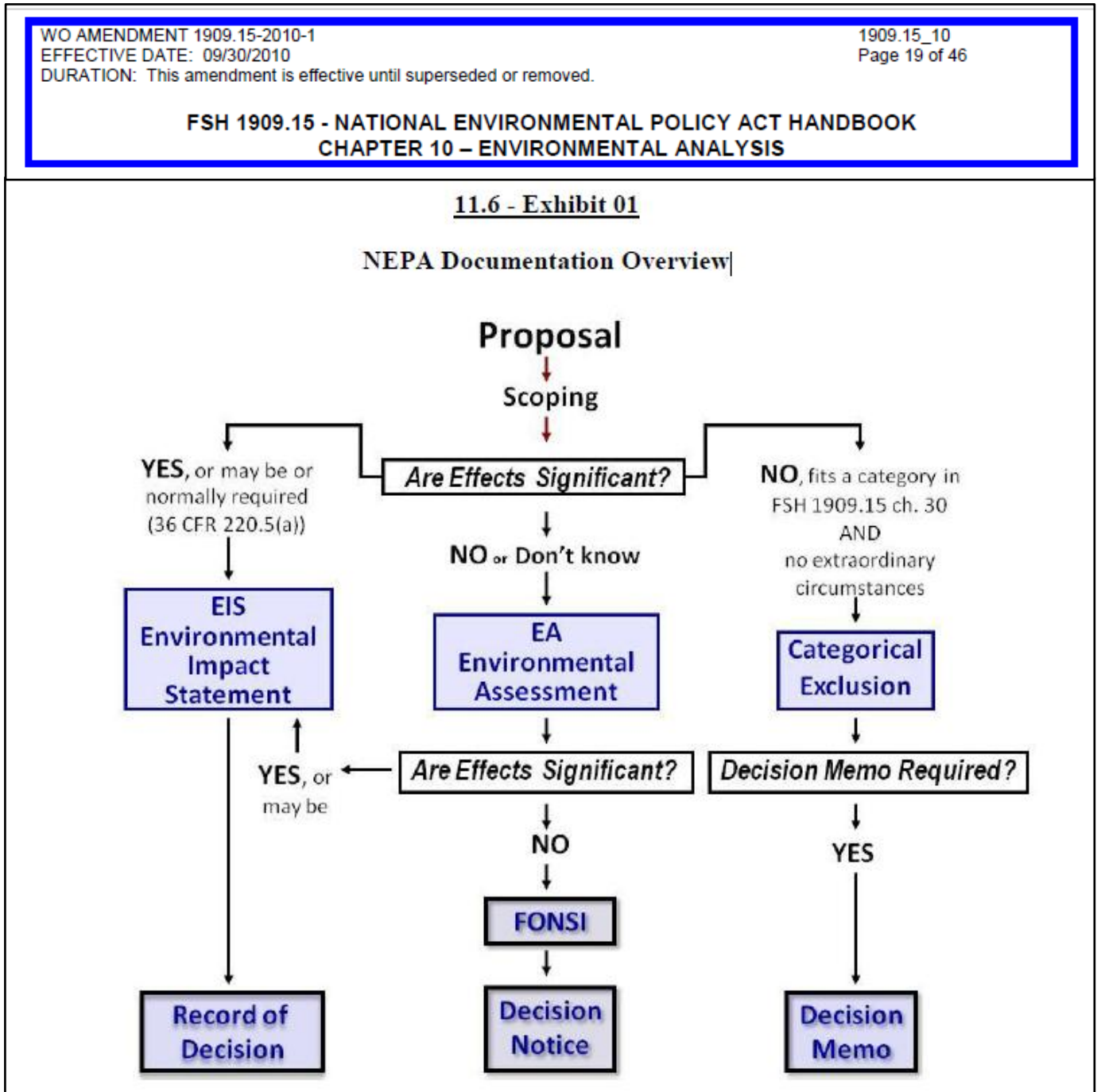
For a proposed project to utilize a categorical exclusion outlined in 36 CFR 220.6(d) or (e), or by statute, an environmental analysis evaluating the degree of potential effects on the following seven extraordinary circumstances must occur:

- (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species;
- (2) Flood plains, wetlands, or municipal watersheds;
- (3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;
- (4) Inventoried roadless areas or potential wilderness areas;
- (5) Research natural areas;
- (6) American Indians and Alaska Native religious or cultural sites, and
- (7) Archaeological sites, or historic properties or areas.

The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist (36 CFR 220.6(b)).

In considering extraordinary circumstances, the responsible official should determine whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources. If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion.

**How is the level of environmental analysis and decision documentation determined?**



**What is the CEQ definition “significantly”?**

The CEQ definition of significantly includes both context and intensity:

- (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific

action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
  - (2) The degree to which the proposed action affects public health or safety.
  - (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
  - (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
  - (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
  - (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
  - (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
  - (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
  - (9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
  - (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.
- (40 CFR 1508.27, FSH 1909.15)

#### **Has a level of environmental analysis and type of decision document been determined?**

As of the date of this updated FAQ (March 17, 2018), no a decision of the level of environmental analysis and associated decision document has not been made. However, as this proposed action is not identified as an action that normally required preparation of an EIS (36 CFR 220.5) and is not anticipated to have significant, or unknown effects, it is unlikely an EIS and record of decision would be prepared.

If the responsible official determines, based on scoping, that it is uncertain whether the proposed action may have a significant effect on the environment, prepare an EA. If the responsible official determines, based on scoping, that the proposed action may have a significant environmental effect, prepare an EIS (36 CFR 220.6(c), FSH 1909.15).

**What level of environmental analysis and decision documentation have been used in the past for similar projects?**

A recent trail project (2017) called the 'Redfish to Stanley Trail' authorized new trail construction within the Sawtooth National Recreation Area, by use of a categorical exclusion and decision memo. In 2014 the Bridger-Teton National Forest authorized the Continental Divide National Scenic Trail Reconstruction Project by use of a categorical exclusion and decision memo, which included rerouting and new construction of up to 13 miles of trail. The Lewis and Clark National Forest also recently (2016) authorized new trail construction for the Lewis and Clark National Historic Trail Construction project, by use of a categorical exclusion and decision memo.