



# Montana Fish, Wildlife & Parks

1400 South 19<sup>th</sup> Avenue, Bozeman, MT 59718  
July 23, 2014

## FWP Region 3 EA Standard Distribution List

Ladies and Gentlemen:

Montana Fish, Wildlife, and Parks (FWP) proposes to purchase a permanent road easement providing a permanent route to the area for public hunting and recreation access. The route would approach the Bear Gulch Road from the east to cross approximately 1 mile of a private land owned by the Prickly Pear Land Trust (PPLT). PPLT and Forest Service will enter into a Purchase Option agreement whereby PPLT will bargain sell the easement to FWP but convey the easement to the Forest Service. The Forest Service administers the public lands of the Helena National Forest surrounding the private lands the Bear Gulch Road #4136 crosses.

The proposed road easement provides the only legal public access rights to the adjacent property owned by the Foundation that is under option to be conveyed to the Forest Service.

This Draft EA is available for review in Helena at FWP's Headquarters, the State Library, and the Environmental Quality Council. It also may be obtained from the Bozeman or Butte FWP offices, or viewed on FWP's website: <http://www.fwp.mt.gov>.

Montana Fish, Wildlife & Parks invites you to comment on the attached proposal. Public comment will be accepted until 5:00 PM, August 6, 2014. Written comments will be accepted until, and can be mailed or emailed to one the addresses below:

Mail:

Montana Fish, Wildlife & Parks – Lands Unit  
P.O. Box 200701  
Helena, MT 59620-0701  
Attn: Darlene Edge

USDA Forest Service  
2880 Skyway Drive  
Helena, Mt. 59602  
Attn: Jeanne Holmgren

Email:

[dedge@mt.gov](mailto:dedge@mt.gov)

[jholmgren@fs.fed.us](mailto:jholmgren@fs.fed.us)

Sincerely,

Patrick J. Flowers

Region Three Supervisor  
Attachment

**DRAFT ENVIRONMENTAL ASSESSMENT**

**YORK GULCH ROAD EASEMENT**

Bear Gulch Road No. 4136



**REGION 3 ACCESS PUBLIC LANDS PROJECT**

**July 23, 2014**



**Montana Fish,  
Wildlife & Parks**

## **PART I. INTRODUCTION AND PROPOSED ACTION:**

### **I. INTRODUCTION**

Montana Fish, Wildlife and Parks (FWP) recognizes that public access to wildlife habitat is an important component of a quality recreational hunting experience and essential to wildlife population management. The York Gulch Road Access project represents an opportunity for FWP to work cooperatively with Prickly Pear Land Trust (PPLT) and the USDA Forest Service (Forest Service) to open up and secure permanent public access across private land so that hunters and other recreationists can travel to land owned and managed by the Montana's Outdoor Legacy Foundation (Foundation). The Foundation's property is an inholding within the Helena National Forest. Currently, the primary route to the Foundation property and some Forest Service lands is close to public access when it enters PPLT property, thus impeding access. This property is under Option to PPLT to be conveyed to the Forest Service.

### **II. DESCRIPTION OF PROPOSED ACTION**

Montana Fish, Wildlife and Parks proposes to purchase a permanent road easement providing a permanent route to the area for public hunting and recreation access. The route would approach the Bear Gulch Road from the east to cross approximately 1 mile of a private land owned by the PPLT. PPLT and Forest Service will enter into a Purchase Option agreement whereby PPLT will bargain sell the easement to FWP but convey the easement to the Forest Service. The Forest Service administers the public lands of the Helena National Forest surrounding the private lands the Bear Gulch Road #4136 crosses.

The proposed road easement provides the only legal public access rights to the adjacent property owned by the Foundation that is under option to be conveyed to the Forest Service. The PPLT recently purchased this property from the Tiddy's. Historically, the road across this property has been *closed* to the public, adjacent landowner, and the Forest Service.

Alternative access to the Foundation property is from Bear Gulch Road #4136 from the west, a private road from the community of York. However, the road has been used by the public to access the Foundation and adjacent Forest Service lands. Bear Gulch Road #4136 from York crosses 24 private parcels. The Forest Service and Foundation approach the landowners along this route and determined it was not possible to acquire access at this time. Any landowners along this road also have the ability to close the road to public use.

Therefore, the proposed easement via Jim Town Road to Road #4136-A1, A3 or A4 to Road #4136, would secure legal public hunting road access across PPLT property to the Foundation's property and the adjacent NFS lands.

The road easement will cover a strip of land approximately 5,200 feet long (1+/- mile) and 60 feet wide. The 60-foot width of the easement is a Forest Service standard, allowing for road

maintenance and improvement projects. However, the Forest Service plans to keep the road generally as it now exists with an approximately 16-foot-wide gravel and dirt surface. Subsequent road maintenance will be on an as-needed basis, in the same manner as similar national forest roads are maintained within the Helena Ranger District of the Helena National Forest.

The cost of the public road easement is \$50,000, which will be paid to the PPLT by FWP, using funds available under the Access Public Lands program. The amount of this one-time payment was determined by using comparable sales of public road easement in Montana.

The terms of the easement grant the Forest Service the right to construct, reconstruct, maintain and repair the road, and to administer public road use.

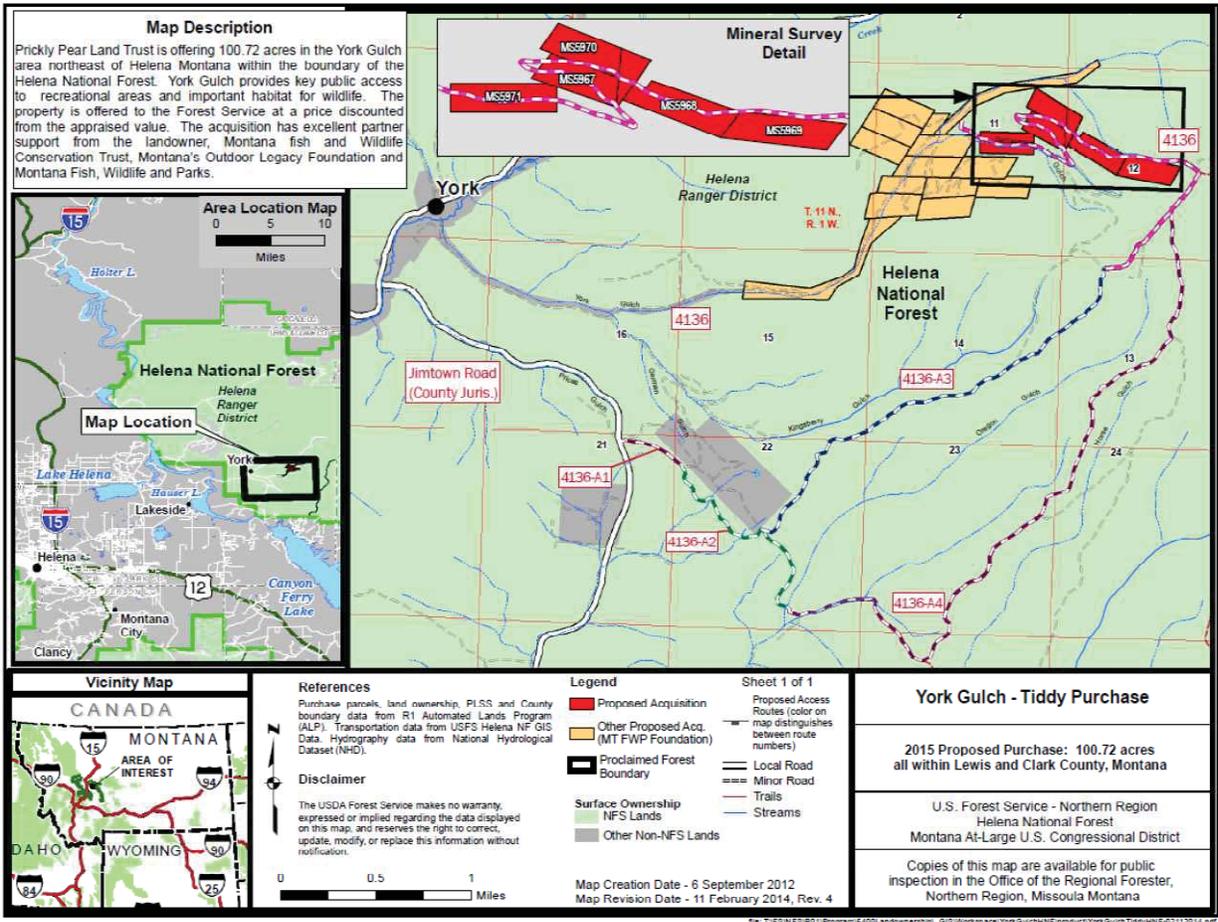
In summary, FWP's purchase of the Bear Gulch Road #4136 Easement would secure permanent legal public access to NFS land and the Foundation's property adjacent to Bear Creek Road #4136.

**Authority and Direction:** Through its Access Public Lands program, FWP seeks to enhance opportunities for Montana hunters to access state and federal public lands. The program is authorized by Section 87-1-265, Montana Code Annotated (MCA), which provides for FWP to work with private landowners on a voluntary, cooperative basis to secure public access across private property. Additional relevant authority for FWP to acquire interests in land is provided by 87-1-209, MCA.

**Overlapping Jurisdiction:** Helena National Forest

**Project General Location:** The project is located in MFWP, Region 3, approximately 18 miles northeast of Helena. The easement would secure perpetual public access across the PPLT property to the Foundation and surrounding National Forest System Lands in Hunting District 392.

**Project Area Legal Description:** The specific location of the proposed easement is in Township 11N, Range 1 W, Sections 11 and 12. The property is located approximately 3 miles east of the mountain community of York (Figure 1).



**Figure 1.** General location of the York Gulch public road easement project. Legal access is via Jim Town Road and Bear Gulch Roads #4136, 4136-A1, A2, A3, A4. These roads are the existing public road access to the PPLT property. The road across the property in red is a red dashed line and is the proposed public road easement.

**Project Objectives:** Secure permanent public road access across the PPLT property to the Foundation’s and the Forest Service land within the Helena National Forest. The easement would open public road access that is currently closed. This area provides access for hunting of elk, deer, antelope, and black bear, along with hiking, mountain biking, cross country skiing, ATV, snowmobiling, camping, and wildlife viewing in a beautiful mountain-foothill environment.

**PART II: ALTERNATIVES**

**Alternative A:** MFWP will purchase a 1 mile long public road easement through the PPLT property to the Foundation’s and Forest Service lands.

**Alternative B:** No Action – public road access across PPLT property to the Foundation’s and Forest Service land will remain *closed*.

**PART III: ENVIRONMENTAL REVIEW CHECKLIST**

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

**PHYSICAL ENVIRONMENT**

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

No impacts to soils would occur because no changes are planned by the Forest Service to the existing road.

<b>2. AIR</b>  <b>Will the proposed action result in:</b>	<b>IMPACT *</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

<b>3. WATER</b>  <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

There are no water resources within the project area, thus no impacts are predicted to water resources.

<b>4. <u>VEGETATION</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in?</b>						
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

No impacts to vegetation would occur because no changes are planned by the Forest Service to the existing road. Some noxious weed management may occur as routine maintenance to the roadway by the Service.

<b>5. <u>FISH/WILDLIFE</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

Since the Bear Creek Road has been in use by local landowners and periodically by the public and no changes to the road are planned, FWP anticipates there would be no impacts to the area's wildlife.

## HUMAN ENVIRONMENT

<b>6. <u>NOISE/ELECTRICAL EFFECTS</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Increases in existing noise levels?		X				
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

<b>7. <u>LAND USE</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

No impacts are anticipated to private landowners adjacent to Bear Creek Road since the easement would provide the public a route to the Foundation property and public lands via another access point.

<b>8. <u>RISK/HEALTH HAZARDS</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				

<b>9. <u>COMMUNITY IMPACT</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		Yes	1

**1. Increased public use will be mitigated. The Forest Service will provide road maintenance and weed control along the easement.**

<b>10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:			X		X	2
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources						
f. Define projected maintenance costs.		X				

**2. Forest Service will be responsible for road maintenance and weed control along the easement.**

<b>11. <u>AESTHETICS/RECREATION</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

The proposed road easement would provide recreationists a permanent route to access the Foundation property and adjacent Forest Service lands. Use of the area for hunting, hiking, and other permitted activities may increase overtime.

<b>12. <u>CULTURAL/HISTORICAL RESOURCES</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				

## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

No public controversy is expected to be generated by the proposed road easement. No cumulative impacts are expected since the road is already established and in use and no changes to the road are planned.

## **PART IV. PUBLIC PARTICIPATION**

### 1. Public involvement:

The public will be notified that this EA is available for review and comment as follows:

- Public notices in the following newspapers:
  - Helena Independent Record
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>
- Copies of this EA will be distributed to adjacent landowners, USFS, Lewis and Clark County, and other interested parties to ensure their knowledge of the proposed project.

Since completion of this project will result in opening approximately 1 mile of existing road, it is anticipated that there will be only minor impacts that can be mitigated. Thus, this level of public notice and participation is appropriate.

### 2. Comment period:

The public comment period will extend for (14) fourteen days. Written comments will be accepted until 5:00 PM, August 6, 2014, and can be mailed or emailed to one the addresses below:

Mail:

Montana Fish, Wildlife & Parks – Lands Unit  
P.O. Box 200701  
Helena, MT 59620-0701  
Attn: Darlene Edge

USDA Forest Service  
2880 Skyway Drive  
Helena, Mt. 59602  
Attn: Jeanne Holmgren

Email:

[dedge@mt.gov](mailto:dedge@mt.gov)

[jholmgren@fs.fed.us](mailto:jholmgren@fs.fed.us)

## **PART V. EA PREPARATION**

1. Based on the significance criteria evaluated in this EA, an EIS is NOT required.

2. Person responsible for preparing this EA:

Montana Fish, Wildlife & Parks – Lands Unit  
Darlene Edge  
Acting, Bureau Chief Land Unit  
Helena, MT 59602  
406-444-4042

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406-495-3728

3. Offices and/or agencies contributing to this document

USDA Forest Service, Helena National Forest