

Chapter II

Issues and Alternatives

Chapter II describes the scoping process, issues identified in the scoping relevant to the proposed action, and identifies the alternatives to the proposed action, including no action alternative.

PUBLIC SCOPING

The proposed land exchange and reciprocal ROW's (Rights-of-Way) was listed in the April 1, 2004 NEPA Quarterly Project list for the Lewis and Clark National Forest (LCNF), and has been listed on each Quarterly to date. The Quarterly is on the LCNF public web site.

On May 4, 2004 a scoping letter was mailed to 68 potentially interested individuals, groups, and organizations, describing the proposed action. On May 5, 2004 a Forest Service News Release regarding the proposed land exchange was mailed to newspapers in Helena, Townsend, Great Falls, Harlowton and White Sulphur Springs.

There were 16 respondents. Three were seeking additional information, 4 supported non-motorize trail easements, 7 supported motorized trail easements, 1 requested a wide range of alternatives, and 1 allotment permittee refused to waive grazing rights on exchange lands.

Legal notice of the proposed land exchange and reciprocal ROW acquisition was published in the Great Falls Tribune newspaper on July 19 and July 26 and will be published on August 2 and August 9. It was also published in the Meagher County News on July 17 and July 24 and will be published on July 31 and August 7. The Meagher County Commissioners, Montana Congressional delegation, State Clearinghouse, and Tribal governments were contacted, and as of this date have not provided comment.

The scoping process outlined in the NEPA handbook (refer to 40 CFR 150.7) is designed to determine the potential issues associated with a proposal, and from this list further identify those issues that are significant or "key" to the analysis. The "key" issues are those that the interdisciplinary team determines will be analyzed in detail and are used to guide the analysis of the proposal. The NEPA also provides for the identification and elimination from detailed study those issues that are not significant or "key".

INTERNAL SCOPING

Internal scoping involved consulting with key Forest Service staff and resource specialists on the White Sulphur Springs District and the Forest Supervisors office.

An interdisciplinary team (IDT) assisted in identification of issues and development of alternatives in response to issues. Copies of written specialist comments are in the project file.

SIGNIFICANT ISSUES

The scoping process led to the identification of issues through public comment letters and through agency review. Two of these issues helped frame the purpose and need for the project, and are: 1) effects to public access in the area, and 2) landownership patterns and management. Eight issues were identified as not significant to the decision. Two more issues were identified as significant to the decision, and are considered throughout the analysis process. They are described below.

Issue #1 --- How will the proposal and its alternative affect the Tenderfoot-Deep Creek Inventoried Roadless Area resources?

The Taylor Hills homestead tract HES 185 (Parcel Z1) lies within the Tenderfoot-Deep Creek Roadless Area I-726. The Federal parcels do not lie within an inventoried roadless area. The following criteria were used to evaluate affects to roadless area characteristics:

- Potential impacts to roadless area characteristics by alternative

Issue #2 --- How will the proposal and its alternative affect Threatened, Endangered, Sensitive (TES) or Candidate Species, and Management Indicator Species (MIS)?

The following criteria were used to evaluate effects to these resources.

- Potential impacts to sensitive plant populations
- Potential for change to wildlife habitat, by alternative.
- Potential for wildlife disturbance, by alternative.

OTHER RESOURCE CONCERNS

The proposal and its alternative may present net changes and impacts to other resources, determined to be non-significant issues. The eight non-significant issues are identified below and are briefly addressed in the analysis.

- What will be the impacts to old growth timber stands?
- What will be the impacts to fisheries or amphibians?
- What will be the impacts to water rights, floodplains, wetlands?
- What will be the net changes and impacts to cultural resources?
- What will be the net changes and impacts to noxious weeds?
- What will be the net changes and impacts to range and allotment management?
- What will be the net changes and impacts to special use permit authorizations?
- What will the net differences in timber values be as exchanged?

ALTERNATIVES STUDIED IN DETAIL

Alternative 1: Proposed Action - Land Exchange and Reciprocal ROW Acquisition as Proposed (See Map 1)

Land Exchange

- Parcels F1 and F2 exchanged to become private lands (See Maps 2 and 3)
 - With a reservation to the United States for ROW on 447 feet of Road 6424
- Taylor Hills HES 185 Parcel Z1 exchanged to become NFS land (See Map 4)
 - Trail ROW resolved for Trails 344 and 351 within HES 185

Reciprocal ROW Acquisition

(See ROW Exhibit A -- Roads)

(See ROW Exhibit B – Trails)

- USDA Forest Service acquire 0.91 miles of public road ROW on Roads 6424 and 6372, and bridge ROW crossing of Tenderfoot Creek at end of road 6372;
- USDA Forest Service to acquire 2.07 miles of public trail ROW on Trails 342 and 345;
- Zehntner to acquire 1556 feet Forest Road Easement on NFS Road 6372;
- Zehntner to acquire 440 feet Forest Road Easement on NFS Road 6424;
- Zehntner to acquire 1506 feet Forest Road Easement on road segment of NFS Trail 342.

Alternative 2: No Action - No Land Exchange and No Reciprocal ROW Acquisition

No Land Exchange

- Federal Parcels F1 and F2 remain NFS lands;
- Taylor Hills HES 185 Parcel Z1 remains in private ownership

No Reciprocal ROW Acquisition

- USDA Forest Service would not acquire 0.91 miles of public road ROW on Roads 6424 and 6372 or bridge ROW crossing Tenderfoot Creek.
- USDA Forest Service would not acquire 2.07 miles of public trail ROW on Trails 342 and 345.
- Zehntner would not acquire Forest Road Easements on NFS Road 6372, 6424 and Trail 342.

ALTERNATIVES CONSIDERED BUT NOT STUDIED IN DETAIL

Purchase HES 185 and Purchase Needed ROW's Without Exchange of Other ROWs.

- The Forest Service has extremely limited funds for purchase of resource properties, via the Land and Water Conservation Fund (LWCF) program. Taylor Hills HES 185 has been nominated by the forest for LWCF funding but was not competitive for the limited LWCF funding in comparison with lands with higher priority (nationally) for significant wildlife habitat, endangered species habitat and other values
- Zehntner has indicated to the forest that he has no interest in donating or selling ROW's. -Zehntner's primary interest is land consolidation for economic efficiency.

Establish Deed Restriction on Federal Parcels Prior to Conveyance.

- Such alternative would place conservation easement restrictions on Federal Parcels F1 and F2 prior to conveyance, such as restricting timber removal, levels of grazing or limits on Road Use. Zehntner management requires full economic use of their lands under existing applicable laws and deed restrictions would affect management of their land.
- Also, use restrictions would reduce appraised values of Federal parcels potentially causing the value difference between federal and non-federal exchange parcels to exceed the maximum allowable differences of 25%.
- The environmental analysis shows that deed restrictions are not warranted to comply with legal and regulatory requirements, executive orders, and policy or to meet Forest Plan management objectives.
- The analysis shows the proposal would not adversely affect wetlands, floodplains, wildlife or fish habitat, threatened or endangered species, cultural resources, or prime farmlands or timberlands on the Federal land considered for exchange

Address Acquisition of All Needed Trail ROW Down Tenderfoot Creek to Smith River.

- Public comments received asked the Forest Service to pursue all needed ROWS in the Trail 342 corridor through private ownerships along the entire Tenderfoot Creek, downstream to the Smith River. Such undertaking is outside the scope of this land exchange and reciprocal ROW acquisition analysis with one willing landowner.
- No other landowners along this corridor at this time have expressed interest or willingness to enter into discussions regarding trail ROW agreements with the Forest Service.

COMPARISON OF ALTERNATIVES

Table 2-1 Comparison of Effects of Alternatives According to Key Issues

Issue	Alternative 1 (Exchange)	Alternative 2 (No Action)
#1 – Affects to roadless area resources	Would ensure that projects proposed on acquired lands would consider impacts to roadless area characteristics. Would retain natural integrity, apparent naturalness, and opportunities for solitude. Improves boundary management.	Potential for impact to apparent naturalness and natural integrity from logging, timber access road construction on private inholding. Potential impacts to opportunities for solitude from private activities and crossing of trail by road construction.
#2 – Affects to Threatened, Endangered or Sensitive wildlife and plant species and Management Indicator Species	No direct impacts to sensitive plants, but potential private development on parcel F1 could impact short-styled columbine population. Not likely to jeopardize gray wolves; no impacts to lynx habitat & lynx mgmnt direction would be met; no impact to sensitive wildlife; forage/hiding cover for elk remains unchanged	No impacts to sensitive plants Not likely to jeopardize gray wolves; no impacts to lynx habitat & lynx mgmnt direction would be met (applies only to actions on NFS lands); no impact to sensitive wildlife; potential to impact 400 acres of elk security habitat if new road construction occurs on Parcel Z1

Table 2-2 Ability of Alternatives to Meet Purpose and Need

Purpose & Need Criteria	Alternative 1 (Exchange)	Alternative 2 (No Action)
Maintain wildland values and roadless characteristics of Tenderfoot Creek	See above	See above
Maintain high quality wildlife habitat and watershed values	See above Overall net benefit to fish and amphib populations in Tenderfoot if commercial logging precluded	See above Stream channels remain in current condition-no significant recovery
Acquire, perfect needed public road & trail ROW	All potential ROW available w/in exchange acquired or resolved, perfecting 3 access routes into Tenderfoot as well as linear trail up/down creek	Reciprocal ROWs could be required as condition for new road construction. Trails 345 and 351 could be impacted by logging/road activities.
Consolidate landownership for consistent land management objectives	Facilitates boundary management and landownership consolidation	Retains current intermingled private/public ownership pattern with potential for non-conforming actions on private lands

MITIGATION MEASURES AND MONITORING

The following mitigation measures will apply if the land exchange and ROW acquisition are completed:

- Noxious weed monitoring and treatment efforts will be conducted along the new road and trail ROW's.
- Forest Service presence will enforce any road or trail restrictions on NFS lands/ROWs.