

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Adoption of Recreational Use Rule Amendments.
Proposed Implementation Date:	February 21, 2025
Proponent:	Department of Natural Resources and Conservation
Location:	Statewide
County:	All

I. TYPE AND PURPOSE OF ACTION

The Forestry and Trust Land Division of the Montana Department of Natural Resources and Conservation (DNRC) is proposing to adopt amendments to surface management rules addressing recreational use of trust land under the Montana Administrative Procedures Act (MAPA).

The proposed amendments effect ARM 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.157, 36.25.158, and 36.25.159. Rule changes are reasonably necessary to implement existing statute enacted through SB65 (2009), SB326 (2015), and HB521 (2023); and to enact food storage requirements for public safety within grizzly bear habitat. Below is a summary of the previously enacted statutes:

HB521 (2023): Modified licensing requirements for the public, and penalties for violations of recreational use rules.

SB326 (2015): Modified certain permitted activities for recreationists, including changes to allow for overnight horseback use, expanding overnight recreational use on unleased lands from 14 consecutive days to 16 days per 30-day period, and clarifying that pets must not be allowed to harass wildlife. It also modified signage requirements for recreational use closures.

SB 65 (2009): Eliminated the recreational use account and incorporated the trust land administration account. Rule changes correct the account referenced for damage reimbursement and weed management.

The addition of food storage requirement language is necessary to meet obligations within the Interagency Grizzly Bear Committee and grizzly bear conservation strategies for ecosystems within Montana. Additionally, these changes provide consistency with existing rules/orders meant to reduce wildlife-human conflicts on neighboring state and federal lands.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

The Land Board approved the draft proposal notice on August 19, 2024 enabling DNRC to proceed with rulemaking. The proposal notice was filed with the Montana Secretary of State on August 27, 2024 and published in the Montana Administrative Register (MAR) on September 6, 2024. The comment period ran through October 4, 2024, and one public hearing was held on September 26, 2024 in person in Helena, MT and on video call via Zoom.

On September 9, 2024, DNRC scoped interested parties through email for a 25-day public comment period ending October 4th, 2024. The scoping notice was published on the DNRC webpage for scoping notices, as well as the DNRC webpage dedicated to the rulemaking effort: <https://dnrc.mt.gov/TrustLand/public-use/RecreationalUseRules>.

One public comment was received from Montana, Fish, Wildlife and Parks regarding semantics for food storage requirements with no substantive changes. No issues were identified by the public.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.

NA

3. ALTERNATIVE DEVELOPMENT:

Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.

No Action Alternative – Under the No Action Alternative, the surface management rules regarding recreational use of trust land would not be amended at this time. Rules would remain in conflict with current statute and food storage requirements within grizzly bear habitat would not be adopted.

Action Alternative – Under the Action Alternative, the surface management rules regarding recreational use of trust land would be formally adopted under MAPA procedures to implement statute and adopt food storage requirements within grizzly bear habitat.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT
--

- | |
|--|
| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> |
|--|

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify direct, indirect, and cumulative effects to soils.

None

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify direct, indirect, and cumulative effects to water resources.

None

6. AIR QUALITY:

What pollutants or particulate would be produced (i.e. particulate matter from road use or harvesting, slash pile burning, prescribed burning, etc)? Identify the Airshed and Impact Zone (if any) according to the Montana/Idaho Airshed Group. Identify direct, indirect, and cumulative effects to air quality.

None

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify direct, indirect, and cumulative effects to vegetation.

None

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify direct, indirect, and cumulative effects to fish and wildlife.

None

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify direct, indirect, and cumulative effects to these species and their habitat.

The proposed rule changes may cause a decline in food-conditioned bears, which may indirectly reduce human-bear conflicts and decreased mortality to bears. There would be no adverse impacts to threatened and endangered species or habitat.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

None

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify direct, indirect, and cumulative effects to aesthetics.

None

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify direct, indirect, and cumulative effects to environmental resources.

None

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

None

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i>

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The proposed rule changes may cause a decline in food-conditioned bears, which may indirectly reduce human-bear conflicts.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

None

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify direct, indirect, and cumulative effects to the employment market.

None

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify direct, indirect, and cumulative effects to taxes and revenue.

None

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify direct, indirect, and cumulative effects of this and other projects on government services

None

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

The proposed rule changes would enable game wardens and law enforcement to enforce recreational use rules by eliminating conflicts between rule and statute. Additionally, the proposed rule changes would provide consistency between state and federal agency partners in how wildlife attractants are managed.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify direct, indirect, and cumulative effects to recreational and wilderness activities.

The proposed rule changes would provide consistency with State of Montana law regarding recreating on State lands.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify direct, indirect, and cumulative effects to population and housing.

None

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

None

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

None

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify direct, indirect, and cumulative economic and social effects likely to occur as a result of the proposed action.

None.

EA Checklist Prepared By:	Name: Jessica Hoag	Date: December 17, 2024
	Title: Recreational Use and Public Access Coordinator	

V. FINDING

25. ALTERNATIVE SELECTED:


The department has selected the Action Alternative.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

There are no significant impacts.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

EA Checklist Approved By:	Name: Ryan Weiss
	Title: Trust Lands Deputy Administrator
Signature: 	Date: 12/17/2024