

**Decision Notice
and
Finding of No Significant Impact**

SPRING HILL LAND EXCHANGE

USDA Forest Service
Northern Region
Helena National Forest
Helena Ranger District
Lewis & Clark, County, Montana

March, 2007

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DECISION SUMMARY

This Decision Notice (DN) documents my decision to select Alternative 1, as described in the Spring Hill Land Exchange Environmental Assessment (EA) issued February, 2007. This decision will exchange 1.44 acres of federal land described as the **Federal Lands** in the EA, to the Montana History Foundation (MHF), for approximately 116.841 acres of land owned by the Prickly Pear Land Trust, Inc. (PPLT) in a three-party exchange. The PPLT lands are referred to in the EA, and in the remainder of this Decision Notice as the **Spring Hill Land Exchange Tract**.

Title to the Federal Lands will be directly deeded to the MHF, who will place in escrow a dollar amount equal to the value of the Federal Lands. This, plus a small cash equalization payment by the United States, will be provided to the PPLT, thereby providing them appraised value of the Spring Hill Land Exchange Tract.

The United States will grant the MHF an easement across lands retained by the United States Forest Service at the Helena Ranger District Administrative Site, thus ensuring the MHF access to the Federal Lands they are acquiring. The PPLT will facilitate the granting of a perpetual easement to the United States over and across lands that have recently left PPLT ownership in Grizzly Gulch and are owned by a third-party. These third-party lands are described as T. 9 N., R. 4 W., P.M.M., sec. 3, 10, Certificate of Survey 3110699, Tract 7464-A.

Use of the Federal Lands is currently authorized by a special-use permit issued to the MHF. Both the federal and nonfederal tracts are located within Lewis & Clark County, Montana. The surface and mineral estates will be exchanged.

The appraisal reports were completed by Forest Service Review Appraiser C. Kim Zier, (Montana General Certification Number 81). The appraisals were reviewed and approved by Forest Service Accredited Rural Appraiser John Hickey (Montana General Certification Number 186) on August 14, 2006. The date of value of both appraisals is March 29, 2006. The federal tract is valued at \$157,000. The PPLT lands addressed in this exchange are valued at \$158,000 (rounded). The United States will make a cash equalization payment of \$1,000 to the PPLT, which is equal to approximately 0.6% of the value of the federal land to be exchanged. This is in compliance with federal regulation at 36 CFR 254.12.

The exchange will be completed in accordance with the Weeks Act of 1911, as amended, the Federal Land Management and Policy Act of 1976, as amended, and the Federal Land Exchange Facilitation Act of August 1988. I am the responsible official for this project. The scope of my decision is limited to the actions described in

the EA and this Decision and Finding of No Significant Impact. This decision is site-specific.

Refer to the maps of the exchange lands, following the text at the end of this Decision Notice. Legal descriptions of the federal and nonfederal lands to be exchanged are:

Federal Lands	Nonfederal Lands (Spring Hill Land Exchange Tract)
<p>T. 10 N., R. 3 W., P.M.M. Section 20, Block 5, Lot 22, located within the SE1/4 as shown on the Amended Plat of Airport Addition Subdivision.</p> <p>Note: This legal description of the Federal lands has been modified from the original description disclosed in the Agreement to Initiate and Environmental Assessment due to Amended Plat surveying requirements.</p> <p>Totaling 1.44 acres, more or less, Lewis & Clark County.</p> <p>Refer to Page 17 for listing of reservations and outstanding rights.</p>	<p>T. 9 N., R. 4 W., P.M.M. Section 3, 4, 9, 10, Certificate of Survey 3110699, Tract 7839-A;</p> <p>Section 9, 10, Elm Orlu Lode, Mineral Survey No. 9543, excepting therefrom Mineral Survey No. 1012;</p> <p>Section 9, 10, Esquimaux Lode, Mineral Survey No. 9543, excepting therefrom Mineral Survey No. 22 and Mineral Survey No. 1012.</p> <p>Totaling 116.841 acres, more or less, Lewis & Clark County.</p> <p>Refer to Page 18 for listing of reservations and outstanding rights.</p>

The Spring Hill Land Exchange Tract will be incorporated into the National Forest System within the Helena National Forest (HNF), and managed and monitored in accordance with the Helena Forest Land Management Plan, and future land management plans that may be developed for the National Forest under the National Forest Management Act. Under current regulations (36 CFR 254.3(f)), this tract will be managed according to direction in the Helena Forest Plan for Management Area (MA) R-1, the current MA of the adjacent National Forest System lands. The Forest Plan defines Management Area Goals and Standards that guide resource activities to achieve the resource objectives for each MA and the HNF. The MA objectives in the Forest Plan provide a framework for site-specific project

planning and implementation. The Forest Plan contains 23 MAs. Each MA provides for a unique combination of activities, practices, and uses. Only those land exchange proposals that are consistent with land and resource management plans may be considered.

The management area MA designation for the federal lands adjacent to the 116.841 acres proposed for exchange is MA R-1. This management area consists of large blocks, greater than 3,000 acres, of undeveloped land suited for dispersed recreation. These areas provide opportunities for semi-primitive non-motorized recreation and are characterized predominately by natural or natural appearing environment where there is a high probability of isolation from man's activities.

The management goals for this area are:

Provide a variety of semi-primitive and primitive nonmotorized recreation opportunities.

Provide for maintenance and/or enhancement of fishery, big game, and nongame habitat, grazing allotments, visual quality and water quality.

Management standards for each resource element of MA R-1 are provided in the Forest Plan (see III/24 to III/26). Some of these are:

Recreation

Motorized vehicles are not allowed in the management area. Recreation facilities will be permitted to preserve or enhance dispersed recreation opportunities.

Visual

Management practices will follow the guidelines for the retention Visual Quality Objective (VQO).

Wildlife and Fisheries

Habitat improvement projects may be used to maintain or improve the fish and wildlife habitat, if the projects are compatible with the area's goals.

It is anticipated that future use of the Federal Lands will be essentially the same as under current Forest Service jurisdiction, management; and administration. This is in keeping with the MHF's current plans for the Scriver Warehouse.

See Decision Notice; pages 11 through 15 for additional information regarding the selected alternative.

PROJECT BACKGROUND

The Spring Hill area is a series of 26 patented mining claims consisting of 456 acres, more or less, roughly three miles southwest of Helena. On 7 September 2006, with substantial local and Congressional support, the United States, acting through the U.S. Forest Service (USFS), purchased 20 of these claims, totaling 301.435 acres (Spring Hill Land Purchase Tracts). Federal Land and Water Conservation Fund monies were used for this purchase. This decision completes the consolidation efforts started by this initial acquisition.

The private lands under consideration in this proposed action are mostly west of the already-purchased tracts. They are located on the west side of the Grizzly Gulch county road, and are surrounded by National Forest System (NFS) lands administered by the HNF. The NFS lands considered for exchange are part of the administrative site currently occupied by the Helena Ranger District (HRD). This portion of the HRD administrative site has been determined to be excess to the HNF needs. The MHF was authorized occupancy of this tract in November of 2001, for construction use and maintenance of a warehouse that houses a substantial art collection donated to the State of Montana Historical Society.

The Helena National Forest has determined to process the proposed land exchange pursuant to the Weeks Act of March 1, 1911 (36 Stat. 961 as amended; 16 U.S.C. 516), the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743, as amended; 43 U.S.C. 1715-1717), and Federal Land Exchange Facilitation Act of August 20, 1988, (102 Stat. 1086; 43 U.S.C. 1716(note), 751(note)).

The Federal Lands tract currently managed by the USFS is a portion of the larger 20-acre Helena Ranger District Administrative Site located within the city limits of Helena, Montana. This larger federal tract was purchased under the authority of the Reclamation Project Act of 1939, and Administrative Site Act of 1925. The smaller 1.44 acre tract is located in the southeast corner of the administrative site and its occupancy is currently authorized by special use permit issued to the MHF. Both PPLT and MHF are Internal Revenue Service-certified 501(c)3 non-profit organizations.

The privately held PPLT land is an inholding within the Helena National Forest. PPLT had purchased these lands and others in the area in 2003, and has been working with the Helena National Forest since then in transferring title to the United States, and in providing adequate access to these lands and other adjacent NFS lands. Completion of the 2006 land purchase by the United States left approximately 117 acres in PPLT's ownership that are of interest to and available to the U.S.

The Helena National Forest Supervisor and the Executive Director of PPLT signed an Agreement to Initiate (ATI) a land exchange between PPLT and the United States in September, 2005. This agreement included the specific tracts identified in Section 1.3 of the EA and on Page 3; these tracts are acceptable to both the United States of America and the PPLT for exchange. Therefore, the scope of the analysis was limited to the identified tracts.

Scoping was initiated in October, 2006, and public comment was solicited. Through scoping, the Forest Service identified issues and developed six alternatives, including the proposed action. Two of these alternatives were analyzed in detail, and the environmental effects were disclosed in an EA issued in February, 2007. The EA was made available to the public for 30 days for review and comment. The decision described in this Decision Notice was made following a thorough review of the EA, the project record, and the comments received relating to the EA.

PURPOSE AND NEED

The purpose of the proposed land exchange is to consolidate federal ownership within the Spring Hill area, thereby benefiting the public in several ways. There is a need to improve efficiency in land management operations; protect wildlife habitat; maintain dispersed recreation uses such as hiking, hunting and dispersed recreation access; maintain and protect the open space character of the South Hills area; and to reduce the potential for the development in an urban interface fire zone. Conveyance of the NFS tract would dispose of a tract surplus to the United States' needs, and would eliminate the need for a special use permit.

The Forest-Wide standards for Lands, Forest Plan page II/30 section 1(b) apply to this project: Emphasize acquisition of land and interests in land to allow access to all Helena National Forest lands. All lands under consideration in this proposed action are in Lewis & Clark County.

SCOPE OF THE DECISION

The responsible official for this Decision is the Forest Service Northern Region Director of Recreation, Minerals, Lands, Heritage and Wilderness, whose authority is delegated by the Regional Forester. By letter dated March 17, 2005, this authority was delegated to the Forest Supervisor, Helena National Forest.

The scope of the decision is limited to whether the proposed action described below would be completed. The decision reached at the conclusion of the analysis would be effective upon completion of the formal land exchange process. The scope is limited in this manner for the following reasons:

- a. Under the Weeks Act of 1911, as amended, the Federal Land Management and Policy Act of 1976, as amended, the Federal Land Exchange Facilitation Act of 1988, and promulgated regulations at 36 CFR 254.12, only lands of equal value, based on a real estate appraisal, may be exchanged.
- b. The analysis is limited to only the proposed exchange tracts because these are the nonfederal lands that have been offered for exchange and the federal land that is acceptable to PPLT/MHF.

PUBLIC INVOLVEMENT

The Spring Hill Land Exchange first appeared in the Helena National Forest Schedule of Proposed Actions in the October 2003 publication. For the purposes of NEPA, scoping was initiated on October 17, 2006. That was the day the proposed action scoping document was mailed to the public. The public was asked to provide comments for a 30 day period, ending November 18, 2006. The forest received seven responses from this scoping effort. Content analysis was completed on December 21, 2006 and is available in the Project Record. There were no significant issues raised during scoping that would require the development of another alternative to the proposed action. However several comments were addressed in the analysis.

One comment suggested an alternative that would include different non-federal lands in the exchange. This is addressed in section 2.7 of the EA, as an alternative considered but not given detailed study.

Another comment asked for a complete description on the hazardous materials and how they will be treated and/or removed from the lands if the exchange were to be completed. This comment was considered an "issue considered in detail" and is important in determining the scope of the effects analysis and was addressed in Chapter Three of the EA.

To comply with 36 CFR 254.8 Notice of exchange proposal, a legal notice was published for 4 consecutive weeks in the Helena Independent Record from October 13, 2006 through November 3, 2006.

Legal notice providing opportunity to comment on the proposed action (per 36 CFR 215.5 and 215.6) was published in the Helena Independent Record (Helena, MT), on February 19, 2007. The EA was also provided to interested parties on that date, and a letter was also sent to interested individuals and organizations providing an opportunity to receive a printed copy of the EA and soliciting their comments.

Two individuals or groups responded during this 30-day comment period (36 CFR 215.6). An interdisciplinary team reviewed and responded to these comments. The content analysis for comments on the proposed action addresses these responses and is a part of the public involvement section of the project record. They are also attached as Pages 34 through 35.

ISSUES

While no *key* issues were identified during the initial 30-day scoping period that would require the development of an alternative considered in detail, two issues from public scoping were identified and addressed in further detail in the EA. One comment suggested an alternative that would include different non-federal lands in the exchange. As stated earlier, this is addressed in EA section 2.7, as an alternative considered but not given detailed study.

Another comment asked for a complete description on the hazardous materials and how they would be treated and/or removed from the lands if the exchange were to be completed. Again, this comment was an “issue considered in detail”, EA page 14, and was used in determining the scope of the effects analysis and was addressed in Chapter Three of the EA.

ALTERNATIVES NOT CONSIDERED IN DETAIL

I considered six alternatives for the proposed land exchange. These are described in detail in the EA, pages 2 through 4; and pages 17 through 19. Four alternatives were considered, but not analyzed in detail, including **Alternative 3 – Purchase; Alternative 4 - Exchange for Other Non-federal Lands; Alternative 5 – Acquire all the PPLT Lands Offered; and Alternative 6 – Deed restriction on the Conveyed Federal Lands.**

Alternative No. 3: Purchase

The HNF considered outright purchase of all the PPLT lands available and of interest to the United States. The Land and Water Conservation Fund (LWCF) is the funding mechanism used by the Forest Service to purchase tracts of land. Congress, on an annual basis, typically appropriates enough monies to acquire only a select few tracts nationally. It was doubtful that the PPLT lands would compete favorably on a national level for monies sufficient to purchase all the offered lands. LWCF funds were pursued with local and Congressional support. Concurrently, the HNF and PPLT also pursued other third-party monies available locally. Montana Fish and Wildlife Conservation Trust Fund monies, facilitated through PPLT, and Montana Discovery Foundation monies, were committed to the project.

Occupancy of a portion of the Helena Ranger District Administrative Site by the Montana History Foundation's Scriver Warehouse was in fact a long-term commitment of NFS lands at that site. Those lands were surplus to the United State's needs and their eventual conveyance into private ownership would appear to be logical. Consequently, the Forest Service and PPLT structured the PPLT land adjustment as a phased transaction, including both a purchase component and an exchange component. LWCF monies were appropriated, and were used to complete the initial purchase phase.

Alternative No. 4: Exchange for Other Non-Federal Lands

Reference can be made to the preceding Alternative 3 description for a partial explanation of the rationale for the proposed configuration of lands to be exchanged. The proposed action is structured as Phase II of the Spring Hill Land Purchase and Exchange. It should also be noted that lands in the South Hills of Helena have become increasingly important to the public and the USFS from a wildlife, recreation and urban interface standpoint. Growth in Helena continues to encroach and expand to the south, thereby affecting the adjacent NFS lands in this area. Acquisition of undeveloped private lands in the South Hills from willing sellers, especially of a tract the size and location of that owned by PPLT, is important to the goals and objectives of the USFS in this area. These are lands that are a priority for United States acquisition.

Alternative No. 5: Acquire all the PPLT Lands Offered

PPLT originally offered the United States 26 patented mining claims, consisting of 456 acres, more or less. The USFS was aware of potential liability and hazardous materials issues on some of these patented mining claims. In accordance with the Forest Service Guide to Land Transactions, and in response to our obligation to pursue due diligence on the offered lands in accordance with direction from the Chief of the Forest Service and the Office of the General Counsel, an extensive Engineering Evaluation was completed. This included both a Phase I and Phase II Environmental Site Assessment.

The assessments and findings recommend the United States not take title to the claims encumbered by a feature commonly called the Glory Hole. This is a mining feature occupying three to four acres with 150-foot high-walls, and several hazardous mine openings. The liability issues associated with the Glory Hole and the costs of eliminating or reducing the associated risks, were excessive. Consequently, I elected not to pursue acquisition of 3 mining claims consisting of approximately thirty-eight acres. These lands are either encumbered by or offer access to the Glory Hole.

Those same assessments quantified the nature of the hazardous materials situation on the balance of the PPLT lands that the United States is pursuing. They specified mitigation and maintenance requirements should the United States take possession of those lands. Details on the mitigation and maintenance requirements can be found in the proposed action description, Table 1 and Chapter Four of the EA.

Alternative No. 6: Deed Restriction on the Conveyed Federal Lands

This alternative would require deed restriction be placed on the Federal Lands being conveyed to the Montana History Foundation.

I reviewed the need for a deed restriction through the environmental analysis. Chapter 3 & 4 of the EA describe the existing condition and possible effects of the “no action” alternative and the “proposed action”. Based upon the analysis I felt there was no need to place a deed restriction on the conveyed federal Lands.

In summary, the federal and private lands proposed for exchange do not contain any floodplains or wetlands; therefore, the proposed exchange meets the goals of Executive Order 11988 (floodplains) and Executive Order 11990 (wetlands). The proposed land exchange would have no effect on any threatened, endangered, or proposed species. Implementation of the exchange would have no known impact on any sensitive wildlife species or sensitive plant species. The land exchange would not affect cultural resources and it's in compliance with the Northern Region's programmatic agreement (1995) with the State Historic Preservation Office and the Advisory Council on Historic Preservation.

Consequently, I determined through review of the resource values associated with the Federal Lands that a restrictive deed is not warranted to comply with legal, regulatory requirements, executive orders, policy, or to meet Forest Plan management objectives. Therefore, an alternative including a deed restriction was not fully developed or analyzed.

ALTERNATIVES CONSIDERED IN DETAIL

For the two alternatives considered in detail, **Alternative 1 – Proposed Action (land exchange); and Alternative 2 –, No Action** the primary factors I considered in making my decision were how well each alternative met the purpose and need for the proposal, how it responded to the other concerns raised during scoping.

Alternative 1: Proposed Action

The USFS would exchange approximately 1.44-acres of USFS land known as the Federal Lands, for 116.841 acres of private lands known as the Spring Hill Land Exchange Tract, as described on Pages 2 and 3, together with minerals and acceptable outstanding rights as described on Pages 17 through 19. The United States will grant the MHF an easement across lands retained by the USFS at the Helena Ranger District Administrative Site, thus ensuring the MHF access to the Federal Lands they are acquiring. The PPLT will facilitate the granting of a perpetual easement to the United States over and across lands that have recently left PPLT ownership in Grizzly Gulch and are owned by a third-party. These third-party lands are described as T. 9 N., R. 4 W., P.M.M., sec. 3, 10, Certificate of Survey 3110699, Tract 7464-A. This will provide the United States public access to adjacent NFS lands located along the east side of Grizzly Gulch.

The lands to be acquired by the USFS would include the Spring Hill Lime Placer Repository. Signage and fencing at that site will inform the public of the repository's presence and also the potential hazards and liability associated with the disturbance of this feature.

Other design elements associated with the repository area include:

No vehicular traffic allowed

No public access allowed

No livestock grazing allowed

The Forest Service will manage the acquired Spring Hill Land Exchange Tract according to the Management Area R-1 direction as described on pages 3 and 4. The Montana History Foundation will manage the acquired Federal Lands with existing warehouse and storing of the Scriver Art Collection, similarly to how they have operated and maintained the facility in accordance with local, State and Federal laws and regulations.

Alternative 2: No Action

The HNF would withdraw from the ATI and the proposed land exchange would not be completed. The special use permit authorizing MHF to operate and maintain the Scriver Warehouse at the Ranger District administrative site would continue.

ENVIRONMENTAL CONSEQUENCES SUMMARY

Table 1 from the EA (February, 2006), below, compares the effects of the alternatives by resource based on the detailed analysis in Chapter 4 of the EA. I felt that it is important for the public to know that I have reviewed the effects of the alternatives again as I considered this decision.

Table 1. Comparison of Effects of the Alternatives According to the Issues

Issue	Proposed Action	No Action
<p>#1 – Hazardous Materials: Existing hazardous materials can result in adverse environmental impacts if not properly removed/mitigated.</p>	<p>PPLT will complete implementation of the USFS-specified remediation work on Tract 7839-A (includes a portion of the Spring Hill Lime Placer) prior to acquisition by the United States. This will address the minor erosion occurring at the mill site and the encapsulation of the 10 yards of old mill tailings, and will result in no human or environmental risk.</p> <p>The implementation of the requirements in the Engineering Evaluation and in satisfying the Office of General Council (OGC) recommendations as they relate to acquisition and management of the Spring Hill Tailings Repository will ensure there are no effects or risks to the public or environment from the proposed action.</p>	<p>The State’s remediation work has effectively reduced and mitigated the risk to human health and the environment. The waste material near the old mill site would continue to present a risk of lead and arsenic to those who might come in contact with them. However, with limited public access the risk is low.</p>
<p>#2 – Effects on wildlife species and their habitat.</p>	<p>There is no effect on species or their habitats as no changes in land uses are anticipated on the Federal Lands and Spring Hill Land Exchange Tract. Forest Service acquisition of the Spring Hill Land Exchange Tract will place the lands into Management Area R-1 which will protect and enhance the habitat from development.</p>	<p>There is no effect on species or their habitats as no changes in land uses are anticipated.</p>
<p>#3 – How would recreation opportunities and uses would be affected</p>	<p>Conveyance into private ownership of the 1.44 acre Federal Lands at the Helena Ranger District administrative site will have no effect on the recreation resource.</p> <p>Placing the Spring Hill Land Exchange Tract into federal ownership will create opportunities for loop trails to be developed, ensure these lands are maintained as open space, will eliminate the opportunity for subdivision land development, and will maintain wildlife habitat.</p>	<p>There are currently no recreational uses associated with the Federal Lands. Conveyance into private ownership of the 1.44 acre tract of NFS lands at the Helena Ranger District administrative site will have no effect to the recreation resource.</p> <p>The potential is high that the Spring Hill Land Exchange Tract could be developed and public access could be restricted if the lands were left in private ownership. Without supplemental agreements between the USFS and the private landowners, there will be no opportunity to develop connecting loop trails with the adjacent NFS lands.</p>

Issue	Proposed Action	No Action
<p>#4 – The economic impact to the county tax base will be disclosed</p>	<p>Conveyance of the Federal Lands into private ownership has the potential to increase the tax base for Lewis & Clark County and the City of Helena, or to have no effect. The estimated 2006 tax load on the raw land is \$2120/year, without special County or City special assessments. In addition, the value of the Scriver Warehouse will have to be considered in any future tax determination. It should be noted that the party acquiring the Federal Lands, the MHF, is a IRS-eligible 501(c)3 non-profit corporation. They are exempt from property taxes, and do not pay taxes at the present time. MHF does not currently plan on paying property taxes on the Federal Land they will acquire. Should they elect to pay taxes in the future, or should they re-convey the Federal Lands to a party who does, the property will be taxed at full value, and Lewis & Clark County and the City of Helena will see an increase in tax revenue.</p> <p>Acquisition of the Spring Hill Land Exchange Tract by the United States will remove it from the tax base, as the federal government is exempt from state and local taxes. PPLT is currently paying an estimated (2006) \$110/year on these lands. This revenue to Lewis & Clark County will be lost. It should be noted that PPLT is an IRS-eligible 501(c)3 non-profit corporation, who elects to pay property taxes on lands they own.</p>	<p>There will be no change to the tax base. The Federal Lands will continue to be exempt from property taxes. Revenue going to Lewis & Clark County will continue to be determined by the 25% Fund, or its replacement, and will likely be based on NFS acres located within the County. The small size of the Federal Lands means it contributed very little to the County's revenue.</p> <p>PPLT will likely continue to pay property taxes on the Spring Hill Land Exchange Tract. Estimated 2006 property tax on the Spring Hill Land Exchange Tract is \$110.</p>
<p>#5 – Effects on Vegetation</p>	<p>Conveyance of the Federal Lands into private ownership will not affect the vegetation resource. The lot is fully developed with adequate landscaping.</p> <p>The forested stands and herbaceous vegetation on the Spring Hill Land Exchange Tract will not be impacted from either timber harvesting, mining, or development of recreation sites such as campgrounds, trailheads, etc. These lands would have 'acquired' status, and would therefore not be open to the filing of unpatented mining claims under the 1872 Mining Law.</p>	<p>There will be no anticipated change in the vegetative management of either parcel. The MHF will continue to maintain the vegetation on the Federal Lands, per the requirement of their special use permit.</p> <p>The PPLT will likely continue to manage the Spring Hill Land Exchange Tract for its dispersed recreation value. However, they or a successor could elect to develop the property, thereby impacting the vegetation resource.</p>
<p>#6 – The presence and treatment of noxious weeds</p>	<p>There are no noxious weeds present on the Federal Lands. Conveyance of this tract will have no effect on weeds.</p> <p>There are three species of noxious weeds present on the Spring Hill Land Exchange Tract. Acquisition by the United States will result in weed</p>	<p>There are no noxious weeds present on the Federal Lands, thus no change in this component.</p> <p>Weeds present on the Spring Hill Land</p>

Issue	Proposed Action	No Action
	<p>treatment by the HNF consistent with the FEIS Noxious Weed Treatment Project and the Records of Decision (May, 2006).</p>	<p>Exchange Tract will continue to be cooperatively treated by PPLT and the HNF, or will go untreated.</p>
<p>#7 - Administrative savings and costs are to be considered</p>	<p>Implementation of the proposed action will lessen USFS costs associated with administration of the MHF Special Use Permit. That permit will terminate upon conveyance of the Federal Lands to the MHF.</p> <p>There will be one time front-end costs associated with posting of the new property boundaries as a result of acquiring the Spring Hill Land Exchange Tract. These are estimated at \$5000. The United States will realize long-term savings in the boundary management program as a result of the complete acquisition of PPLT lands (both purchase phase and land exchange phase) in the neighborhood of \$27,000.</p> <p>Long-term, there will be a net increase in monitoring and maintenance costs associated with United States acquisition of the Spring Hill Tailings Repository. Costs are estimated at \$2700/year, and include weed control, fence repairs, revegetation, signing, traffic control, and monitoring.</p>	<p>There will be no change in administrative costs under this alternative. The Federal Lands will continue to be occupied by the Scriver Warehouse, and the United States will continue to incur cost estimated at \$250/year to administer the special use permit.</p> <p>There would be negative cost in boundary management. Leaving the tract of three claims private, within a larger block of existing NFS lands, has the potential to add to long-term costs associated with boundary posting and maintenance. There will be a net increase of 0.5 mile of boundary to be posted, at an estimated cost of \$4,000.</p>

PUBLIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT

All comments received during the 30 day comment period (36 CFR 215.6 Comments on proposed actions.) were placed in the project record as they were received. I had the interdisciplinary team leader and team review the comments. During the comment period for the EA, there were two respondents. The comments and Forest Service responses are available for review in the project record at the Helena National Forest Supervisor's office. Generally, the questions and concerns brought forward by the respondents were raised during scoping and addressed in the EA, or they will be clarified in my rationale for the decision. The comments were addressed in the public scoping content analysis, which is attached to this document; and are part of the public involvement section of the project record.

THE DECISION

I have selected Alternative 1 for implementation as described on Pages 2 through 4 of this decision notice; and as described as on pages 2 through 4 of the EA (February, 2007). Under this alternative the USFS would exchange approximately 1.44-acres of land known as the Federal Lands, for 116.841 acres of private lands known as the Spring Hill Land Exchange Tract. The United States will grant the MHF an easement across lands retained by the USFS at the Helena Ranger District Administrative Site, thus ensuring the MHF access to the Federal Lands they are acquiring. The PPLT will facilitate the granting of a perpetual easement to the United States over and across lands that have recently left PPLT ownership in Grizzly Gulch and are owned by a third-party. These third-party lands are described as T. 9 N., R. 4 W., P.M.M., sec. 3, 10, Certificate of Survey 3110699, Tract 7464-A. This will provide the United States public access to adjacent NFS lands located along the east side of Grizzly Gulch.

The lands acquired by the USFS would include the Spring Hill Lime Placer Repository. Signage and fencing at that site will inform the public of the repository's presence and also the potential hazards and liability associated with the disturbance of this feature.

Other design elements associated with the repository area include:

No vehicular traffic allowed

No public access allowed

No livestock grazing allowed

The Spring Hill Land Exchange Tract will be incorporated into the National Forest System within the Helena National Forest, and managed and monitored in accordance with the Helena Forest Land Management Plan, and future land management plans that may be developed for the National Forest under the National Forest Management Act. Under current regulations (36 CFR 254.3(f)), this tract will be managed according to direction in the Helena Forest Plan for Management Area R-1, the current MA of the adjacent National Forest System lands.

The lands that will be conveyed to MHF will no longer be subject to the Helena Forest Land Management Plan, nor will they be subject to future land management plans that may be developed for the National Forest under the National Forest Management Act. The MHF or any predecessor will likely continue manage the acquired Federal Lands as they are now; warehouse, storage, and/or commercially, in accordance with local, State and Federal laws and regulations.

Federal Lands

The lands under the jurisdiction of the USFS, including the mineral estate, which are being considered, are referred to as the **Federal Lands**, and are described as:

Helena National Forest, Lewis & Clark County, State of Montana

T. 10 N., R. 3 W., Principal Meridian, Montana,

sec. 20, Block 5, Lot 22, located within the SE1/4 as shown on the Amended Plat of Airport Addition Subdivision

Containing 1.44 acres, more or less.

Note: This legal description of the Federal lands being offered in this exchange has been modified from the original description disclosed in the Environmental Assessment. This change is due solely to surveying requirements associated with the pending Amended Plat to be filed with the City of Helena.

The United States does not propose any reservations.

The outstanding rights/encumbrances affecting the Federal Lands:

1. Easements for water and sewer transmission lines to City of Helena, recorded 09/19/2002, in Book M27, page 892.
2. Unrecorded easements for existing power, telephone, sewer, water and gas lines.

The existing special use permit issued to the MHF will be terminated at closing.

Non-Federal Lands

The non-Federal lands owned by the PPLT, including the mineral estate, which are being considered, and are referred to as the **Spring Hill Land Exchange Tract**, are described as:

Lewis & Clark County, State of Montana,

T. 9 N., R. 4 W., Principal Meridian, Montana,

Certificate of Survey 3110699, Tract 7839-A, located in secs. 3, 4, 9, 10;

Elm Orlu Lode, Mineral Survey No. 9543, located in secs. 9 and 10, excepting therefrom Mineral Survey No. 1012;

Esquimaux Lode, Mineral Survey No. 9543, located in secs. 9 and 10, excepting therefrom Mineral Survey No. 22 and Mineral Survey No. 1012.

Containing 116.841 acres, more or less.

There are no reservations by the non-Federal party.

The outstanding rights/encumbrances affecting the Spring Hill Land Exchange Tract:

1. Notice of Mine Reclamation by the Montana Department of Environmental Quality, recorded Oct. 16, 2000 in M Book 23 of Records, page 9998.

2. Notice of Mining and Mine Reclamation by the Montana Department of Environmental Quality, recorded March 27, 2006 in M Book 34 of Records, page 2357.
3. Subject to all items as shown on Certificate of Survey filed under Doc. No. 3110699, including but not limited to all terms, provisions, conditions, and restrictions of the Dept. of Environmental Quality, as set forth in the attachments, if any, to said Certificate of Survey.
4. Right-of-Way Easement to The Montana Power Company, recorded May 22, 1964 in Book 234 Deeds, page 345.
5. Easement over the Spring Hill Millsite for flow of water and for maintenance of pipeline across and over said property as ordered in Cause No. 6408, Robert S. Hale, Plaintiff –vs- Henry Richards, et al., Defendants, filed June 2, 1910, in the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark.

DETERMINATION OF PUBLIC INTEREST

As required in 36 CFR 254.3(b), I have determined that the public interest is well served through this exchange as described in Alternative 1.

The resource values and the public objectives served by the Spring Hill Land Exchange Tract equal or exceed the resource values and public objectives served by the Federal Land tract. The needs of state and local residents will be met as the Spring Hill Land Exchange Tracts that are to become part of the Helena National Forest will be available for all recreational activities that are consistent with the management area direction.

Long-term public access would be secured on the Spring Hill Land Exchange Tract, as there is no current assurance that perpetual public access would be allowed. The wildlife habitats that occur will be protected from rural development and impacts. Recreational opportunities will increase due to the conversion of these lands to public ownership and the proximity of these lands to existing public trails.

The management of the adjacent federal lands will be enhanced by the exchange, as land ownership consolidation lends itself to a more efficient use of funding and resource management actions. There are no wetlands or floodplain associated with either tract.

The anticipated use of the Federal Land tract to be conveyed to MHF will not conflict with established management objectives on adjacent federal lands. Use of the lands now occupied by the Scriver Warehouse is authorized by special-use permit issued by the Forest Service. Placing this tract in private ownership will eliminate the administrative costs of the special-use permit; and will give the MHF more freedom and flexibility to manage its privately owned warehouse and storage facility. Any future uses of the land would occur within the constraints of applicable laws and regulations, including but not limited to, clean air laws, the Endangered Species Act, county subdivision and development standards, etc.

DECISION CRITERIA

As discussed on Page 6, the criteria for making my decision were the issues and resource concerns identified during scoping and addressed by the environmental analysis, as discussed above, consideration of how well each alternative met the purpose and need for action, how well each alternative responded to the issue of identifying lands available for exchange, and a review of the public comments on the EA (February, 2007).

RATIONALE FOR THE DECISION

My decision is based on the Spring Hill Land Exchange EA (February, 2007), the Biological Assessment, the Biological Evaluations, and a review of public comments on the EA.

I reviewed public comment, both from the original scoping and on the EA, and found no new substantive issues or concerns were raised. All points brought forth were considered in the context of the EA. Below I will address and clarify several points raised by one of the respondents received during the 30-day comment period.

I have reviewed the alternatives given detailed study (EA, Section 2.6) to determine if they were responsive to the issues and the purpose and need for this analysis. I also reviewed the alternatives that were considered but not given detailed study (EA, Section 2.7) to help me decide if a thorough and complete range of alternatives was considered. I find that the range of alternatives considered is thorough and complete.

In dealing with the issue of *hazardous materials and waste*, my decision will not have any adverse effects on the human environment or result in undue risk (EA pages 28-29). I adopt the design features of the proposed action that protects both the Spring Hill Tailings Repository and the public. These are identified on pages 17 and 28 of the EA.

Before the land exchange can be completed, the following additional actions must be completed by PPLT on the Spring Hill Land Exchange Tract: 1) Stabilize a section of the slope where minor erosion is occurring; 2) Encapsulating on-site approximately 10 cubic yards of mill tailings at the old mill building site.

Relative to *wildlife habitat* and species needs, my decision does not directly impact or disrupt the existing habitats (EA page 29). Also, there are no reasonably foreseeable actions anticipated on these lands. A key factor is that my decision responds directly to the purpose and need for action. That is, the consolidation of the Spring Hill Land Exchange Tract into federal ownership may result in a beneficial effect as there will be no opportunity for urban development, thus maintaining the present habitat structures in the area (EA page 29).

As documented in the EA (Page 29), there are currently no *recreational uses* associated with the Federal Lands. Conveyance into private ownership of the 1.44 acre tract of NFS lands at the Helena Ranger District administrative site will have no effect to the recreation resource.

I like the benefit that acquisition of the Spring Hill Land Exchange Tract in the South Hills area offers to persons who live in Helena and/or recreate in this portion of the National Forest. As the city limits for Helena abut the Forest boundary, the South Hills have become extremely popular as a day use area for the local people. On almost any day of the year people will use the City of Helena property and the Helena Ranger District for dispersed recreation; walking, running, biking, or other non-motorized recreational activities. My decision will allow for long-term public use

of the area without worries of development that often excludes public access and use.

One of the most obvious public benefits of acquiring the Spring Hill Land Exchange Tract is the creation of "loop trails" in the South Hills. My decision opens up opportunities to construct trail segments on this parcel, thereby linking the Mount Helena National Recreation Trail with the Waterline Trail and trails on City property to Mount Accession.

I will restrict public use of the Spring Hill Tailings Repository; the repository for the tailings from the Spring Hill Lime Placer and Long Point Claims. Signing and fencing at the repository site will be maintained to notify the public that access to that part of the claim block will be restricted as a matter of public health and safety.

My decision will not have a major *socio-economic* impact on the local economy. The party acquiring the Federal Lands, the MHF, is an IRS-eligible 501(c)3 non-profit corporation. They are exempt from property taxes, and do not pay the estimated tax at the present time. MHF does not currently plan on paying property taxes on the Federal Land they would acquire. However the MHF will continue to contribute to the local economy through on-going maintenance and payment of goods and services. Two full-time salaried employees and one part-time hourly employee work at the Scriver Warehouse. I believe the loss of revenue to Lewis & Clark County by having the Spring Hill Land Exchange tract become part of the HNF is insignificant as it is probable that overall public recreational use of the tract would increase as connecting loop trails are constructed. This would result in a small increase in the local economy from monies spent by those recreating (ESA page 31).

Since the *vegetation* of both the Federal Lands and the Spring Hill Land Exchange Tract would continue to be managed as they have been, with no planned or anticipated changes, I am not anticipating any environmental effects to occur. The placement of the Spring Hill Land Exchange tract into HNF management should result in greater protections and a more diverse vegetative community. (EA pages 31 and 32).

I like the opportunity to treat the noxious weeds on the Spring Hill Land Exchange Tract that my decision provides. The noxious weeds on the Spring Hill Land Exchange Tract would be managed and treated consistent with Helena National Forest weeds program (EA page 32). This will help greatly in keeping the general area as weed free as possible.

I reviewed the discussion in the EA concerning administrative costs (EA, pages 32 and 33), which allowed me to compare the direct administrative costs of the two alternatives. My decision does not really effect the long-term boundary maintenance costs, however when looking at the exchange in context with the Spring Hill Land Purchase in its entirety, there would be an approximate savings of \$27,000 in this program. This is however, offset by the long-term costs of managing and maintaining the Spring Hill Tailings Repository. But I believe the benefits of improved public access, additional recreational opportunities, secure wildlife habitat and the benefits on landownership consolidation more than offset the long-term cost increase of \$2700/year for the repository area.

The exchange as currently structured is balanced, with cash equalization in compliance with federal regulation. Also, the actions involved in this decision are consistent with management direction contained in the Helena National Forest Land Management Plan, 1986, as amended. My decision essentially completes the land consolidation process that resulted in the initial purchase of the Spring Hill Tracts in September 2006.

CONSISTENCY WITH OTHER LAWS, REGULATION, OR POLICY

To the best of my knowledge, this decision is in compliance with all applicable laws, regulations, and policies.

I find that this decision is consistent with the Goals, Objectives, and Standards listed in the 1986 Helena Forest Land Management Plan, as amended. The EA, Section 2.1.12 describes the Forest Plan management direction that applies to the lands involved in this decision. Based upon the analysis documented in the EA and in the project record, the Spring Hill Land Exchange Tract is well suited for inclusion to the MA R-1 land classification.

I reviewed the Biological Evaluation for Region 1 Sensitive Species and determined that management actions resulting from implementation of this decision will not lead to federal listing of any of the sensitive species. The EA (page 29) and project record do not indicate any effect to threatened, endangered, and general fish or wildlife species or their habitats. I find that my decision is consistent with the Endangered Species Act.

Within the EA, I find documentation concerning wetlands and flood plains in compliance with Executive Orders 11988 and 11990 (EA, Sections 2.1.9 and 4.1). There are no lands on either the Federal Lands or Spring Hill Land Exchange Tract that would qualify as wetlands or flood plains. Therefore, there would be no loss or incompatible use of wetlands or flood plains from implementation of this decision. The exchange will comply with Executive Orders 11988 and 11990. I find that this land exchange is consistent with the Clean Water Act.

I have reviewed the project for compliance with Executive Order 12898 (Environmental Justice). Based on the EA, (Section 3.4.1), I find my decision will not adversely affect the human health of minority and low-income populations. Nor will the environmental effects of this decision have an impact on minority or low-income populations. I believe there has been ample opportunity for participation in the analysis process, as documented in the public involvement section of the project record. If this project would have an effect on the groups identified by Executive Order 12898 I feel confident the public involvement process would have brought that to my attention. Implementing this decision will not subject anyone to discrimination because of race, color or national origin.

FINDING OF NO SIGNIFICANT IMPACT

In reviewing the analysis within the EA, the Biological Assessment, Biological Evaluations, and the project record, I have determined that the implementation of Alternative 1 will result in no significant effect on the quality of the human environment. I have reviewed the provisions in 40 CFR 1508.27 in terms of project context and intensity relationships in determining project significance. It is my decision that an Environmental Impact Statement (EIS) is not necessary and will not be prepared for this project. My finding for not preparing an EIS includes:

Context

The Council on Environmental Quality (CEQ) regulates that when an environmental assessment has been prepared, I (the responsible official) must review the EA and determine whether the activities may have a significant effect on the quality of the human environment and if an environmental impact statement should be prepared (40 CFR 1508.13).

I have reviewed the EA for the Spring Hill Land Exchange including the purpose or objective for the project; the descriptions of the no-action and range of action alternatives as well as those eliminated from detailed analysis; and the anticipated direct, indirect, and cumulative effects of the proposed activities. I have also reviewed the project record for this analysis and gave particular attention to the input received from the interested publics during the process. All of these sources helped me in coming to the following findings.

The implementing regulations for NEPA (40 CFR 1508.27) provide criteria to guide me in determining the significance of the anticipated effects. Part of these significance criteria requires me to consider both context to the actions and intensity referring to the severity of impacts.

The setting of this project is localized with implications only for the immediate area. The project size is not large when taken in context with the Helena National Forest (approximately 984,000 acres); or even within the context of the Helena Ranger District (approximately 390,000 acres). The analysis in chapter 3 of the EA did not reveal any significant environmental effects, and in fact mostly found there to be no change from baseline conditions.

After considering all of the above, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts. Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Intensity

1. Consideration of both beneficial and adverse impacts.

My decision meets the purpose and need, and the desired condition for each of the issues and other concerns identified in Chapter 1, 2 and 3 of the EA. The Goals and Objectives outlined in the Helena National Forest Plan for lands exchanges and for MA R-1 are directly met by this decision (Forest Plan pages II/29 to /30 and III/3 to III/4; and III/24 to III/26). Beneficial and adverse impacts of this decision are addressed in Chapter 4 of the EA (summarized above in Table 1). No significant impacts were identified.

2. Consideration of the effects on public health and safety.

This decision will have no significant impact or unacceptable effect on public health or safety. During scoping, the issue of hazardous materials and how they will be treated and/or removed from the lands was raised. This was a concern for me also. This issue was considered in detail in the EA (EA page 14). The effects disclosed for this issue are in the EA on pages 28 and 29. The management restraints related to the Spring Hill Tailings Repository are fully adopted to ensure this is not a problem.

3. Consideration of unique characteristics of the area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Federal Tract and the Spring Hill Exchange tract do not have any of these unique land features or areas. The EA addresses this on pages 11, 15, and 14. There are not heritage resources on either site nor have any wetlands or ecologically critical areas been identified. Neither tract has farmland or Wild and Scenic Rivers on them.

4. Consideration of the degree of controversy associated with the effects.

Based on public comment and interdisciplinary analysis of the proposed action and alternatives, the effects on the human environment are not likely to be highly controversial. Public comments primarily focused on questions and concerns regarding alternative development, and tract selection. There was no controversy raised about the effects disclosure. (See attached scoping content analysis and project record).

5. Consideration of the uncertainty of the effects, or unique or unknown risks.

The effect of the proposed action will be similar to the effect of other land exchanges that have been completed. There are no extraordinary circumstances in this action that would make the effects highly uncertain or involve unique or unknown risks. The comments on the EA did not reveal any new issues that were not considered in the EA. The maintenance plans for the Spring Hill Tailings Repository will be fully implemented and that removes any uncertainty about long-term problems.

6. Consideration of whether the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This is a project-level decision. Implementation of this decision is not precedent setting, and does not represent a precedent for any future decision. Any other proposals for this area will be subject to full NEPA disclosure.

7. Consideration of cumulative impacts.

The cumulative effects analysis that was conducted for this proposal did not indicate there would be a cumulative effect on the quality of the human environment (EA page 33). There are no known significant cumulative effects between this project and other projects implemented or planned in areas separated from the affected area of this project. There were no other known or reasonably foreseeable actions to be considered. (EA pages 33 and 34).

8. Consideration of 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.

The Montana Historical Society, via the Montana State Historic Preservation Office (SHPO), completed the heritage compliance work for the proposed action. The conclusion the SHPO came to was that the project could proceed from the standpoint of not affecting any significant heritage resource property (Memo in project file from the Forest Archeologist dated 18 August 2005).

9. Consideration of adverse effects on endangered or threatened species or their critical habitat, as determined under the Endangered Species Act of 1973.

The Federal Lands proposed for conveyance contain no habitat suitable for federal threatened, endangered, or sensitive species. A complete Biological Evaluation and Assessment are in the project file. There will be no effect on sensitive plant populations (EA page 12).

10. Consideration of Federal, State, or local law or requirements imposed for the protection of the environment.

As discussed elsewhere in this decision, this land exchange is in compliance with all applicable laws, regulations, and policies, and will not threaten a violation of Federal,

State, or local law or requirements imposed for the protection of the environment. The proposed action is in compliance with the 1986 Helena Forest Land and Resource Management Plan, as amended; the Endangered Species Act, Clean Water Act, and Executive Orders for protection of wetlands, floodplains, and environmental justice.

IMPLEMENTATION OF DECISION

If no appeal is received, implementation of this decision may occur on, but not before five business days from the close of the appeal period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Helena Independent Record*. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

Regular mail:

USDA Forest Service, Northern
Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

Express Mail:

USDA Forest Service, Northern
Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802
Phone: 406-329-3555

Electronic appeals must be submitted to:

appeals-northern-regional-office@fs.fed.us

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending

any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: http://www.fs.fed.us/r1/projects/appeal_index.shtml .

CONTACTS

For additional information concerning this decision, contact Larry Cole at the Helena National Forest Supervisor's Office, 2880 Skyway Drive, Helena, MT 59602, (406) 495-3728. For additional information on the Forest Service appeals process, contact Claire Huking, Northern Regional Office, P.O. Box 7669, Missoula, MT 59807, phone (406) 329-3696.

KEVIN T. RIORDAN
Forest Supervisor
Helena National Forest
USDA Forest Service
Responsible Official

Date

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250-9410, or call 202-720-5964 (voice or TDD). USDA Forest Service is an equal opportunity provider and employer.

GENERAL VICINITY MAP

MAP OF FEDERAL LANDS

MAP OF SPRING HILL LAND EXCHANGE TRACT

CONTENT ANALYSIS; EA 30-DAY COMMENT PERIOD (36 CFR 215.6)

Letter #	Name	Comment	Responsible Person	FS Response (i.e. project file, specialist report, alt. dev., mitigation/design criteria, etc...)
1	Western Lands Project	<p>A. I asked (In our scoping comments) that the EA include an alternative in which different lands would be acquired by trade of the 1.44 acre federal tract, but the EA only considered the acquisition of the Prickly Pear Land Trust lands in detail.</p> <p>B. The public interest rationale for acquiring old mining claims that include a tailings repository is weak, at best.</p> <p>C. I also asked that the EA include a prioritized list of private in-holdings within the Helena National Forest that the Forest Service wished to acquire.</p>	Dave Carroll and Larry Cole	<p>A. The EA explained that the proposed action was Phase 2 of a land consolidation effort between PPLT and the Forest Service. This exchange was structured to complete the United State’s acquisition of all PPLT lands of interest and available to the U.S. This discussion can be found on EA pages 1-2, 18.</p> <p>The EA did document and describe four other alternatives that were considered. It also documented the reasons these alternatives were not analyzed in detail. This discussion can be found on EA pages 17-19.</p> <p>B. While acquisition of the PPLT lands brings with it a repository, it also consolidates ownership and brings into United State’s possession valuable open space and wildlife habitat. I have reviewed the EA, and its project record, and have addressed this concern in the decision notice on pages 18 – 25.</p> <p>C. The Helena National Forest maintains a map of lands that would be beneficial and of interest to acquire. There is however, no prioritized list, thus there is no “relative</p>

Letter #	Name	Comment	Responsible Person	FS Response (i.e. project file, specialist report, alt. dev., mitigation/design criteria, etc...)
				position” to identify for the Spring Hill Land Exchange Tract or any other tracts that are mapped. This response mirrors my response in the public scoping content analysis, which can be found in the project file. We could have included that information in the EA as a point of clarification.
2	City Of Helena, Randy Lilje, Director of Parks & Recreation	A. “We have reviewed the Environmental Assessment for the proposed Spring Hill Land Exchange. We are in agreement with the findings and agreement the proposed alternative 1 on page 17 of the EA.”	Larry Cole and Dave Carroll	A. Thank you for your comment.

Completed March 28, 2007
 David Carroll & Larry Cole