

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**Notice of Intent To Prepare an Environmental Impact Statement Regarding Proposed Issuance of an Incidental Take Permit to the Montana Department of Natural Resources and Conservation on Forested State Trust Lands in the State of Montana**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement, Notice of Public Scoping Meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), the Fish and Wildlife Service (Service) intends to prepare an Environmental Impact Statement (EIS). The EIS will address the proposed issuance of an incidental take permit (Permit) to allow take of species on State Trust lands administered by the Montana Department of Natural Resources and Conservation (DNRC) for activities primarily related to forest management.

The proposed Permit would authorize take of federally listed threatened and endangered species in accordance with the Endangered Species Act of 1973, as amended (ESA), and other species of concern should they become listed in the future. The DNRC intends to request a Permit that includes the following species:

Listed as threatened—gray wolf (*Canis lupus*), grizzly bear (*Ursus arctos horribilis*), bald eagle (*Haliaeetus leucocephalus*), Canada lynx (*Lynx canadensis*), bull trout (*Salvelinus confluentus*). Species of concern—wolverine (*Gulo gulo*), fisher (*Martes pennanti*), northern goshawk (*Accipiter gentilis*), black-backed woodpecker (*Picoides arcticus*), pileated woodpecker (*Dryocopus pileatus*), flammulated owl (*Otus flammeolus*), westslope cutthroat trout (*Oncorhynchus clarki lewisi*).

As required by the ESA, the DNRC is preparing a Habitat Conservation Plan (HCP) as part of an application for the Permit. The HCP would address the effects to species of DNRC's forest management activities on approximately 283,280 hectares (700,000 acres) of forested state school trust lands. The Service is furnishing this notice to advise other agencies and the public of our intentions and to announce the initiation of a 60-day scoping period during which other agencies and the public are invited to provide written comments on the scope of the issues and potential alternatives to be included in the EIS.

In compliance with their responsibilities pursuant to the NEPA and its implementing regulations, 40 CFR 1500.0 *et seq.*, and the Montana Environmental Policy Act (MEPA), Mont. Code Ann. 75-1-101 through 75-1-324, and its DNRC implementing regulations, ARM 36.2.501 through 36.2.611, the DNRC and the Service jointly announce their intent to prepare an EIS for the proposed action of reviewing and approving the proposed HCP and issuing an incidental take permit. The DNRC and the Service also jointly announce their intent to hold scoping meetings, the date, time, and place of which are provided in this notice below. This notice is provided pursuant to section 10(c) of the ESA and NEPA implementing regulations, 40 CFR 1506.6.

**DATES:** Scoping will commence as of the date of publication of this Notice in the **Federal Register**. Written comments on the scope of the proposed action, the approval of a HCP, and the concomitant issuance of the Permit should be received on or before June 27, 2003. Four scoping meetings will be held, on the following dates—April 28, 29, and May 12, 13, 2003. Each meeting will run from 6:30 p.m. until 9:30 p.m. The DNRC and the Service will use an open-house format for the meetings, allowing interested members of the public to attend at any point during the meetings to gather information and/or provide comments.

**ADDRESSES:** Meeting locations are scheduled as follows—April 28, 2003, Montana Fish, Wildlife and Parks, 1420 East Sixth Avenue, Helena, Montana; April 29, 2003, Bozeman Public Library, 220 East Lamme, Bozeman, Montana; May 12, 2003, Montana Fish Wildlife and Parks Region 1 Headquarters, 490 North Meridian Road, Kalispell, Montana; and May 13, 2003, City Fire Station Number Four, 3011 Latimer Street, Missoula, Montana. Written comments regarding the proposed action and the proposed EIS should be addressed to Tim Bodurtha, Supervisor, U.S. Fish and Wildlife Service Ecological Services, 780 Creston Hatchery Road, Kalispell, Montana 59901, or Pete VanSickle, DNRC Forest Management Bureau Chief, 2705 Spurgin Road, Missoula, Montana 59804.

**FOR FURTHER INFORMATION CONTACT:** Tim Bodurtha, U.S. Fish and Wildlife Service, Ecological Services Field Office, 780 Creston Hatchery Road, Kalispell, Montana 59901, telephone (406) 758-6882, facsimile (406) 758-6877, e-mail: [tim\\_bodurtha@fws.gov](mailto:tim_bodurtha@fws.gov); Mike O'Herron, DNRC EIS Planner,

2705 Spurgin Road, Missoula, Montana 59804, telephone (406) 542-4300, facsimile (406) 542-4217, e-mail: [moherron@state.mt.us](mailto:moherron@state.mt.us); Lowell Whitney, DNRC/FWS Cooperative Project Coordinator, 2705 Spurgin Road, Missoula, Montana 59804, telephone (406) 542-4300, facsimile (406) 542-4217, e-mail: [lwhitney@state.mt.us](mailto:lwhitney@state.mt.us).

**Reasonable Accommodation:** Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact Tim Bodurtha, Mike O'Herron, or Lowell Whitney. In order to allow sufficient time to process requests, please call no later than 1 week before the hearing. Information regarding the proposed action is available in alternative formats upon request.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 9 of the ESA and its implementing regulations, "take" of threatened and endangered species is prohibited. The term "take" is defined under the ESA to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. Harm is defined by the Service to include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering.

The Service, under certain circumstances, may issue permits to take listed animal species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened or endangered species are found at 50 CFR 17.22, and 50 CFR 17.32.

### Background

The DNRC manages approximately 283,280 hectares (700,000 acres) of forested State school trust lands in Montana. These lands are currently managed under the State Forest Land Management Rules (hereafter "Rules") formally adopted on March 13, 2003. The Rules provide the guiding framework for proposing, developing and analyzing site-specific projects. The management direction of the Rules is based on the following criteria—(1) monetary return to the school trusts, (2) maintenance of biodiversity and long term health of the forest resource, and (3) effects on the biological and physical environment. Included in the Rules are management standards that promote an appropriate mix of forest stand structures and compositions to support diverse wildlife habitats on a landscape scale, as well as an approach for threatened, endangered, and sensitive species through management of single