

**LOWER TARKIO
TRACT B**

LOWER TARKIO - TRACT B

Introduction

The Lower Tarkio tract in Section 34 is a parcel of land and right-of-way (ROW) allocation that was acquired by the Lolo National Forest in 1991 to insure access to the Clark Fork River in the Tarkio exit area. This ROW and parcels acquired here also provide access to the south portion of Tarkio Section 35.

This tract was identified for disposal based on the criteria listed in the Lolo February 1986 Plan Disposal Guidelines, which state: (1) dispose of isolated parcels that are uneconomical to manage, with no important resources or where further consolidation is not anticipated.

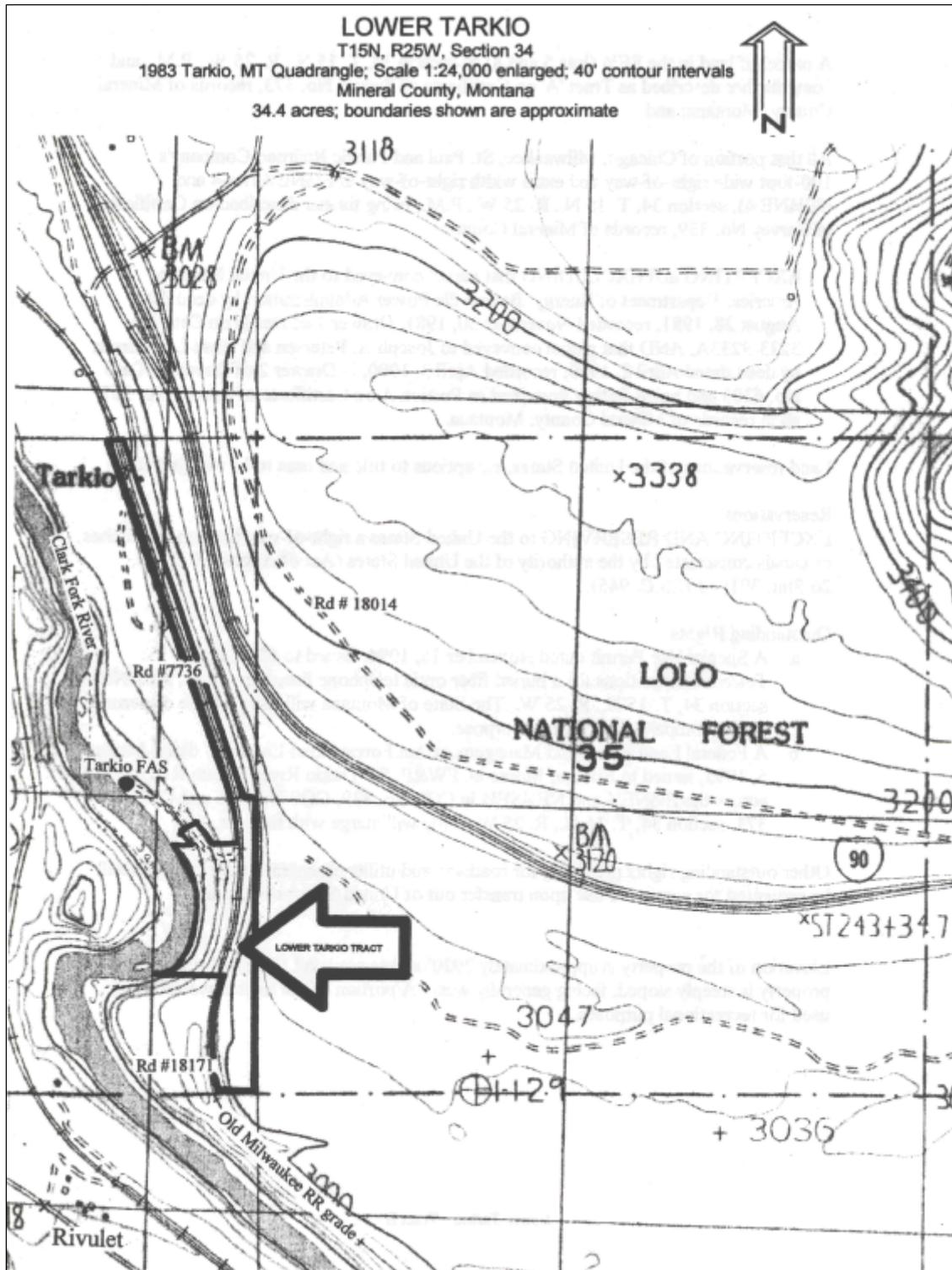
It is proposed that the FS transfer this tract to River Network to primarily provide access to Tarkio Section 35 (also proposed for acquisition by River Network) along the existing road and the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad. This EA assumes that River Network would convey this land to private entities to recover the purchase price of the Alberton Gorge; however, it should be noted that a future exchange with DNRC is also proposed for the future, which could return the Lower Tarkio tract and Tarkio Section 35 to public ownership (please refer to the Tarkio Section 35 section for more details of this potential future exchange).

FWP currently has a road easement through the tract to access Tarkio FAS; this easement would continue under River Network ownership to allow public access to the river at the FAS.

The appraisal of Tarkio Section 35 and Lower Tarkio tracts combined determined the highest and best use of these tracts was as rural homesite or recreational residence development with an interim use of timber production. Of the total 34.4 acres in the Lower Tarkio tract, 11.6 acres are encumbered with easements and road right-of-ways. In the FS appraiser's best judgment, this tract alone does not include building sites due to physical (topography) and legal restraints. There is not enough space between easements and outstanding rights to locate a residence on a developable grade (personal communication with Sue Dalbey, January 7, 2003). Development of the tract would be minimal; roads would be improved and perhaps added to access development in the south half of Tarkio Section 35 and some timber harvest may occur.

This tract was originally proposed to be transferred to FWP who owns adjoining land known as the Tarkio FAS. The current proposal of transferring this tract to River Network ensured access to Tarkio Section 35, which is a critical component to allow further development of that parcel.

MAP 4. Lower Tarkio



Property Description

The Lower Tarkio property is accessible from the Tarkio Interstate 90 off-ramp, south approximately one-quarter mile on a gravel road on the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way (ROW).

Township 15 North, Range 25 West, Section 34

Mineral County, Montana

Total acreage = 34.4 acres

Legal Description

Parcels of land, being located in the SE $\frac{1}{4}$ (lot 5) of section 34, T. 15 N., R. 25 W., P.M., and being further described as Portion 'A' and Portion 'B' on Certificate of Survey No. 376, records of Mineral County, Montana; and a parcel of land in the SE $\frac{1}{4}$ (lots 5 and 8) of section 34, T. 15 N., R. 25 W., P.M., and being further described as Tract 'A' on Certificate of Survey No. 373, records of Mineral County, Montana; and

All that portion of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's 100-foot wide right-of-way and extra width right-of-way in E $\frac{1}{2}$ NE $\frac{1}{4}$ (lot 4 and NE $\frac{1}{4}$ NE $\frac{1}{4}$), section 34, T. 15 N., R. 25 W., P.M., being further described on Certificate of Survey No. 339, records of Mineral County;

EXCEPTING and EXCLUDING that parcel conveyed to the United States of America, Department of Energy, Bonneville Power Administration by deed date August 28, 1981, recorded November 30, 1981, Drawer 1 of Deeds on Card No. 3233-3233A, AND that parcel conveyed to Joseph A. Petersen and Rose L. Petersen by deed dated April 2, 1990, recorded April 3, 1990, in Drawer 2 of Deeds on Card No. 6303 and being further described as Portion A on Certificate of Survey No. 367, all in records of Mineral County, Montana.

Land reservations of the United States, exceptions to title and uses to be recognized:

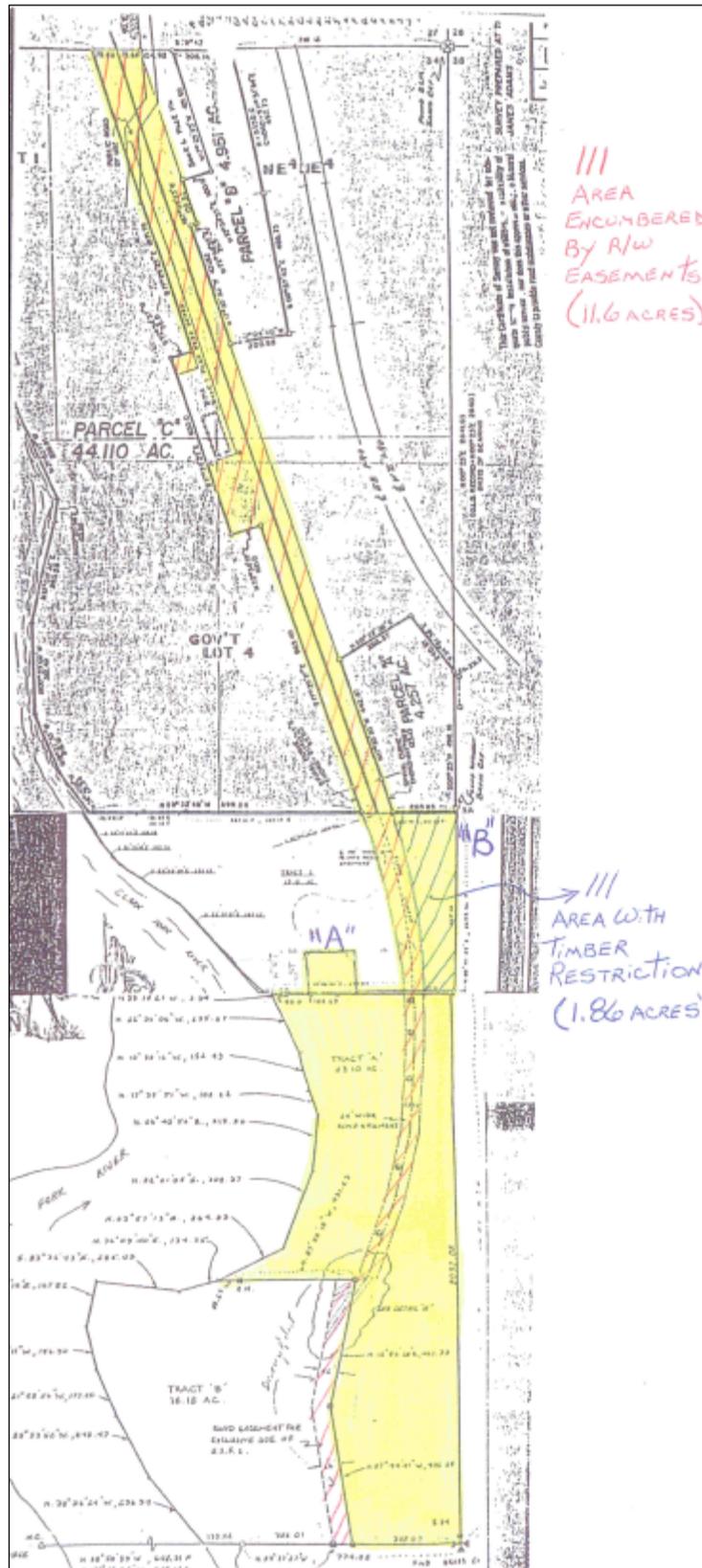
Reservations

EXCEPTING AND RESERVING to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

Outstanding Rights

- a. A Special Use Permit dated November 15, 1994, issued to Clark Fork Telecommunications for a buried fiber optic telephone line, lots 4, 5, 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 34, T. 15 N., R. 25 W. River Network will issue a lease or permit to this company for the same purpose.
- b. A Federal Land Policy and Management Act Forest Road Easement dated January 5, 1995, issued to State of Montana, FWP, for Tarkio River Access Road #7736 across the E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ in COS No. 339, COS No. 376 and COS No. 373, section 34, T. 15 N., R. 25 W. The FS would terminate this easement and River Network would issue a new easement to FWP.

FIGURE 5. Lower Tarkio survey



Base image provided by Appraisal Report of Federal (Tarkio) Properties, Date of Value November 7, 2000., Lee Murray

Other outstanding rights providing for roadway and utility easements, mineral rights will be protected for continued use upon transfer out of FS ownership.

Elevation of the property is approximately 2920' above sea level. The majority of the property is steeply sloped, facing generally west. A portion of the tract is wooded and used for recreational purposes.

ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

The majority of the site is steep, with elevations ranging from 3,045 feet to 2,567 feet at the Clark Fork River. A narrow bench (flood plain) sits about 15 feet above the Clark Fork River. The railroad grade is on a second, high bench, about 200 feet above the Clark Fork River. The area has been heavily modified due to the railroad grade and a substation. This tract was investigated and excavated for hazardous substances and according to a project letter from Tetra Tech, Inc. (October 4, 2001) to Darlene Edge at FWP, there was no evidence of hazardous materials. The debris on site was associated with demolition of site buildings or with historic steam locomotive traffic as related to the ash/clinker piles.

(The following **minerals** information is from the Mineral Potential Report prepared for the Alberton Gorge Land Exchange, U.S. Forest Service, Region 1, Missoula, 2000.)

Mineral resources rights are retained in private ownership, with the exception of sand and gravel, which are in federal ownership. The sand and gravel rights would be transferred to River Network if the exchange is completed.

Geology, Mineralization and Mineral Activity

The Tarkio Tracts are within the Northern Rocky Mountains physiographic province which is underlain by Precambrian sedimentary rocks of the Belt Supergroup. Recent Pleistocene glacial deposits cover most of the lowlying areas. On the subject parcels, limited outcrops of Wallace and Mount Shields argillites and quartzites occur, and landforms and alluvial deposits associated with glacial activity.

Hard rock mineralization is not evident on the parcels, nor is there evidence of hard rock mineral activity. There are no mineral leases on the federal tracts and the geology is not very favorable for occurrence. Mineral materials occur on the parcel due to the glacial deposits. Sand and/or gravel have been extracted from Section 34 on the federal parcel and additional economically valuable resources occur.

Mineral Occurrence and Development Potential

The mineral potential for occurrence and development of hard rock and leasable minerals on the Tarkio parcels is rated as low to very low (Mineral rights are outstanding). Mineral materials, sand and gravel, occur on the parcel and have been exploited in the past. For these reasons, the potential for future development of sand and gravel is rated as high.

Touch America/AT&T has been granted permission to install a fiber optic line through the south half of Tarkio Section 35 and in Section 34 along the old railroad right-of-way.

The foreseeable plans to develop this tract would be to improve the railroad right-of-way and construct a spur road east to provide access to Tarkio Section 35. No actions in the proposed land exchange are foreseen that would impact unique geologic or physical features of the area. Minor soil disruption, displacement, erosion, compaction or over-covering would occur to widen the railroad bed and construct about 250' of new road to access Tarkio Section 35. Soil stability and geologic substructure may be slightly altered with this improvement. Changes in siltation, deposition or erosion patterns that would modify the river bank from the roadbed improvements are not anticipated due to the rocky nature of the terrain and distance from the river. The public would not encounter any new risk of exposure to earthquakes, landslides, or ground failures.

Air

Increased dust may slightly impact the ambient air quality as a result of development on Tarkio Section 35 and increased residential traffic using the Lower Tarkio tract road for access. County subdivision review may require dust-abating measures to mitigate potential effects of additional traffic. Objectionable odors, changes in air moisture, temperature patterns, local or regional climate are not anticipated. No actions are foreseen that would conflict with federal or state air quality regulations.

Water and Flood Plains

Road improvements on the Lower Tarkio Tract could result in minor negative impacts to surface water, but not ground water quality or quantities. The distance of the road from the river (200-400') and vegetation/terrain between will help disperse erosion sediment prior to reaching the river. Potential for turbidity would be very low. No alterations are expected to the water temperature or dissolved oxygen. Amount of surface water, drainage patterns and rates of surface runoff and the magnitude of flood waters are expected to remain unchanged. Risks of contamination of surface water and groundwater should not increase. Potential building sites are required to be 120' from the riverbank and/or quite higher, of which there are possibly two such sites in Section 34 according to Marchwick (personal communication with Sue Dalbey, January 14, 2003). The appraiser did not find feasible building sites on this tract.

The change of ownership will not affect other water users, existing water rights or reservations, of which none are known. No discharges are predicted that would affect federal or state water quality regulations on the Lower Tarkio tract.

Lolo NF Hydrologist, Arne Rosquist, reported the following to Lisa Subcasky, FS Region 1 Realty Officer, June 21, 2000, regarding the features of Sections 34 and 35. The Lolo Land Systems Inventory (LSI), which is a Level 3-4 Soil Survey, shows Sections 34 and 35 along the Clark Fork River mapped as 13JA, 13UA and 14XA landtypes. These features are dry, well drained to excessively well drained river terraces and benches. The soils range from fine sandy and silty lacustrine deposits to gravelly and cobbly alluvial deposits. These high river terraces may be 50 to 500 feet above the adjacent stream channel with steep descending slopes to the river edge. These features were formed by huge glacio-fluvial processes as the last episode of continental glaciation was ending. The present Clark Fork River is a minimal remnant of the ancient floods. These lands, though adjacent to the current river channel (section 34 – Lower Tarkio tract), have no **flood plain** nor **wetland** function or value.

Vegetation, Wetlands, Prime & Unique Farmlands

The majority of the railroad ROW is an improved gravel road. It is foreseeable that approximately 1/8 to 1/4 of the remaining, unimproved railroad grade may be improved and road spur(s) constructed on the Lower Tarkio tract to provide access to Tarkio Section 35. Topography south of the Tarkio FAS road junction would limit the feasibility of road development east of the railroad grade. Spurs developed would cause a minor decrease in the diversity, productivity or abundance of plant species.

Timber volumes were estimated at 100,000 board feet, based on the timber cruise completed by the Lolo NF, 1998.

Field surveys were performed on May 7 and June 3, 1999 by Darlene Lavelle, on an “intuitive controlled” level. No sensitive plants were found, as reported in her TES Plant Biological Evaluation for the Alberton Gorge Land Exchange, June 30, 1999. Ponderosa pine tree cover is the dominant tree species on this steep rocky-sloped tract. The riparian zone is very narrow along the river. A complete list of plant species is included in Lavelle’s biological evaluation.

The two plants listed under the federal Threatened and Endangered Species Act and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*), listed as a threatened species, and is expected to occur on the Lolo National Forest, however it not been found on this Forest to date (as per Darlene Lavelle’s “TES Plant Biological Evaluation for the Alberton Gorge Land Exchange,” June 30, 1999). Ute Ladies’-tresses (*Spiranthes diluvialis*), also considered threatened, is in river meander wetlands east of the Continental Divide. The Spalding’s Catchfly is found in the Upper Flathead River drainage and the Tobacco Valley, and was not found during Lavelle’s survey of the Tarkio tracts. Lavelle reported that the proposed land exchange will have no impacts on any Forest sensitive or federally listed, threatened or endangered plant species.

The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Mineral County. It is

found in meadows in conifer forests within Glacier and Lake Counties, north of the Lower Tarkio tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.).

The field survey conducted by Lavelle, identified three noxious weeds on Sections 34 and 35 (*Centaurea maculosa*, *Euphorbia escula*, *Hypericum perforatum*). There is potential for these to spread with new construction and increased traffic. Weed abatement will be the responsibility of the individual land owner(s).

As noted by the Lolo NF Hydrologist above, these lands have no **wetlands** function or value.

This tract is rocky, steep, timbered, and no agricultural land exists on this tract, thus no **prime and unique farmlands** will be impacted by the exchange of the Lower Tarkio tract.

Fish & Wildlife

Transfer of ownership to the FWP is highly unlikely to affect critical habitat or the diversity and abundance of fish, wildlife and non-game species in the area.

Fisheries management of Clark Fork River will remain under FWP biologists based out of Missoula. Fisheries biologist, Ladd Knotek, stated in a phone conversation with Sue Dalbey, that fish species listed under the Threatened and Endangered Species Act are not expected to be affected by the proposed land exchange. Bull trout do inhabit the Clark Fork River in low numbers; however, the possible added angler pressure due to the acquisition of this tract will be negligible. Anglers must release bull trout and cutthroat trout, if caught. White sturgeon and pallid sturgeon do not inhabit the Clark Fork River. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River farther east in Montana. The arctic grayling is not found in this area. The public currently has access to this land along the river for angling, but access to this land would likely be closed under private ownership. Under the Montana Stream Access Law, anglers could continue to walk upstream within the high water line from the Tarkio FAS to access this stretch of river.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);

Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);

Proposed Threatened - mountain plover;

Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);
Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

The Endangered Species Coordinator for FWP, Arnold Dood, reviewed the properties involved and found the following species may use the areas involved in the Alberton Gorge Land Exchange: peregrine falcon, bald eagle, gray wolf.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed no species of special concern on the Lower Tarkio tract (May 12, 2000).

Recent review of the exchange by FS Wildlife Program Manager Sandy Kratville and Bob Henderson (December 2, 2002) does not anticipate effects to bald eagles if the Lower Tarkio tract is transferred to River Network because this tract is not conducive to subdivision, bald eagle habitat is unlikely to be modified, and FWP would acquire about 305 in the Alberton Gorge to ensure the availability of nesting habitat. The biologists discussed the fact that since minimal acreage is involved, the exchange will not place pileated woodpeckers at significant risk in the vicinity and may adversely impact individuals but will not lead to federal listing of flammulated owls. This tract is not considered essential habitat for the wolf and no effects are anticipated.

Songbirds, such as song sparrows and yellow warblers utilize the narrow riparian zone along the Clark Fork River (Hillis, June 16, 1999), and white-tailed deer use this tract.

Public hunting would probably not be allowed under private ownership.

Because the Lower Tarkio tract is not conducive to development, land use would primarily involve road improvements on the existing railroad grade and construction of a spur road east to access Tarkio Section 35. A more detailed wildlife assessment can be read in the following Tarkio Section 35 section, as biologists evaluated the two tracts together. Impacts to wildlife utilizing the Lower Tarkio tract will be less than that of Tarkio Section 35 due to less acreage and development anticipated.

Human Environment

Noise & Electrical Effects

Short-term noise levels would increase from the use of heavy equipment associated with construction of roads and timber harvest operations. Long-term noise levels would slightly increase from additional traffic using this road to access residences developed in Tarkio Section 35. No known changes to electrostatic or electromagnetic conditions are predicted. The remote locale of this tract should not affect radio or television reception.

Land Use

The productivity and profitability of this tract would not change due to the steep, rocky topography and limited development potential. This parcel is remote and the proposed action will have little affect on residences. The public will lose access, which is an important issue with Mineral county residents for hunting and recreation.

Risk & Health Hazards

Visitation and human use of the property will primarily be passing through to development features on Tarkio Section 35; therefore, there is little risk of explosion or release of hazardous substances in the event of an accident. This area would be serviced by the Mineral County Search and Rescue. The County would consider an emergency response or evacuation plan if the Tarkio Section 35 is developed and accessed through the Lower Tarkio tract. This area is outside of the fire district. Chemical toxicants may be used for the control of noxious weeds by private landowners.

A Phase I and limited Phase II site audit was conducted by Tetra Tech, Inc. in 2001. No hazardous materials were found. It was suggested, however, that the area may need some safety hazards removed including unstable debris, broken ceramic insulator bells, rebar and a section of the railroad substation basement that is accessible from the concrete slab (written communication to Darlene Edge, October 4, 2001).

Community Impact

The human population in the area is not expected to change significantly due to the exchange of the Lower Tarkio tract alone because of its small size, use restrictions and lack of developable terrain. Patterns of human movement within the site will increase if the railroad ROW is improved to provide access to Tarkio Section 35. Road maintenance and improvements are the most probable capital improvements at this site. The industrial and commercial activity and social structure of Tarkio could be impacted by the provision of access through the Lower Tarkio track and linked to the development activities in Tarkio Section 35.

Taxes

The 34 acre tract adjacent to the Tarkio FAS proposed to be transferred will provide slightly different tax revenue if acquired by River Network (private party), rather than owned by the FS.

The FS pays funds to the counties in two ways:

- PILT funds (Payments in Lieu of Taxes), and
- the 25% Fund, which is payment made up of 25% from all forest receipts based on FS acreage owned within each county and the national forest unit.

Total payment by the FS to Mineral County is estimated at \$19 for the 34.4-acre Lower Tarkio tract. This includes approximately \$3.37 PILT and \$15.82 revenue from the 25% Fund (1999 figures).

If the proposed exchange is implemented, the Lower Tarkio tract taxes would be paid by a private party. Taxes are estimated at \$250 based on the property being assessed as non-qualifying agricultural land.

Public Services, Utilities

The proposed transfer to River Network will slightly increase the level of government services required at this tract. Fire protection and police protection services would increase. Most governmental services in the area would be linked to potential development in Tarkio Section 35; the Lower Tarkio tract will primarily provide road access to Tarkio Section 35. Utility services are not available in the site, nor are they anticipated in the future unless necessary to develop Tarkio Section 35.

The Lower Tarkio tract contains approximately .9 miles of gravel road. River Network and FWP would be provided legal access on these roads to the Tarkio Fishing Access Site on the Tarkio River Access Road #7736 and Tarkio RR Grade Road #18171. FWP currently has an easement for use of the Tarkio River Access Road #7736, thus no net gain will occur for FWP if the exchange occurs as proposed. Currently, FWP provides maintenance on the gravel road and minor weed control practices. If the proposed exchange is implemented, an use agreement would be negotiated between FWP and the new property owner(s) to maintain roads in the Lower Tarkio tract. The intersection where residential traffic would meet FAS traffic would become active and may need signing.

Aesthetics & Recreation

Transfer of the Lower Tarkio tract to River Network will slightly reduce the public recreational opportunities along the river. The Tarkio FAS is adjacent to the Lower Tarkio tract; thus, some river access will continue to be available in the Tarkio area. This loss of public river frontage will also be mitigated with the FWP acquisition of nearly seven miles of shoreline upstream and the agency's development of three fishing access sites in that stretch.

This tract is not in a designated wilderness area, nor is it part of a wild or scenic river or trail. It is part of a popular river stretch used for commercial and public float trips. The steep topography and rocky slopes will limit the possible development on this tract. A large railroad grade cut-bank is currently visible from the river; road improvements and developments on this tract would be minor impacts to the aesthetics of a river trip. The site is not easily visible from other directions.

Cultural & Historical Resources

Jennifer Eberlien, Lolo National Forest Archeologist, examined the Lower Tarkio tract in Section 34 for cultural resources. In her November, 1999 inventory report, she recorded only one site (24MN164), the Tarkio Segment of the Chicago, Milwaukee, St. Paul, and Pacific railroad (the Milwaukee RR) and its associated substation. The site includes the abandoned Milwaukee railroad bed, piles of railroad spike cans, and the foundation of the associated substation at Tarkio. Due to lack of integrity, the Ninemile District of the Lolo National Forest, proposed to the Montana State Historic Preservation Office (letter dated November 29, 1999) that the Tarkio Segment is not eligible to the National Registrar of Historic Places (NRHP). The significant physical features of the railroad are already exemplified in the St. Regis to Avery Segment of the Milwaukee RR that is eligible to the NRHP.

The Lolo NF has consulted with the SHPO and after the FS mitigated concerns regarding the old highway in this tract, SHPO has approved FS disposal of the Lower Tarkio tract.

Evaluation of Mitigation or other Control Measures

If a portion of the overall Alberton Gorge Land Exchange fails, this proposal to transfer the Lower Tarkio tract to River Network will likely fail as well.

If the railroad grade is improved to Tarkio Section 35 for residential private access, FWP may negotiate an use agreement with landowners to maintain the road.