

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Eastern Land Office Land Banking 2014
Proposed Implementation Date: 2014
Proponent: Smith Ranch, Inc.
Location: T4S R50E S16
County: Powder River

Sale 718

I. TYPE AND PURPOSE OF ACTION

Offer for Sale at Public Auction, 80 acres of state land currently held in trust for the benefit of Public Schools. Revenue from the sale would be deposited in a special account used to purchase replacement lands meeting acquisition criteria related to legal access, productivity, potential income and proximity to existing state ownership which would then be held in trust for the benefit of Public Schools. The proposed sale is part of a program called Land Banking authorized by the 2003 Legislature. The purpose of the program is for the Department of Natural Resources and Conservation to overall, diversify uses of land holdings of the various trusts, improve the sustained rate of return to the trusts, improve access to state trust land and consolidate ownership.

II. PROJECT DEVELOPMENT

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

Provide a brief chronology of the scoping and ongoing involvement for this project.

- A letter was distributed in September 2004 to all state surface lessees informing them of the Land Banking Program and requesting nominations.
- Legal notice was published in the Powder River Examiner in July, 2014.
- Direct mailings were made to lessees, adjacent landowners, County Commissioners and other concerned parties. Comments were received from the Montana Dept. of Fish, Wildlife, and Parks, and Montana Dept. of Transportation.
- Follow-up contacts were made by phone and mail with parties requesting additional information.
- The tracts were also posted on the DNRC web page at:
<http://dnrc.mt.gov/TLMSPublic/LandBanking/LBTest.aspx>

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

None

3. ALTERNATIVES CONSIDERED:

Alternative A- No action, under this alternative the state would retain existing land ownership pattern and would not sell the tract of land.

Alternative B- Under this alternative, the Department would request and recommend approval by the Land Board to sell the proposed land locked tracts. If approved by the board, the sale would be at public auction. The income from the sale would be pooled with other land sale receipts from across the state to fund the purchase of other state land, easements, or improvements for the beneficiaries of the respective trusts.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain *POTENTIAL IMPACTS AND MITIGATIONS* following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

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

Alternative A- No Impact

Alternative B- This tract is currently being grazed and there is a small hayfield on one of the parcels, if sold the land will continue to be grazed and hayed with minimal disturbance occurring.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

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

Alternative- A No Impact Expected.

Alternative B- No Impacts Expected- Water rights will transfer with the sale of these tracts. Other water quality and/or quantity issue will not be impacted by the proposed action.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

Pollutant and particulate levels are currently normal for the area; no increases in these levels are expected. The proposal does not include any on the ground activities, or changes to activities. Tracts do not have any air quality regulations or zones.

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

7. VEGETATION COVER, QUANTITY AND QUALITY:

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

The range sites on these tracts are considered to have average production with thin silty to shallow range sites. Species composition is dominated by grasses which include Western Wheatgrass (*Agropyron smithii*), Green Needlegrass (*Stipa viridula*), Bluebunch Wheatgrass (*Agropyron spicatum*), Prairie Sandreed (*Calamovilfa longifolia*), Prairie Junegrass (*Koeleria pyramidata*), Threadleaf Sedge (*Carex filifolia*), Six Week Fescue (*Vulpia octoflora*), Sandberg Bluegrass (*Poa secunda*), Needle and Thread (*Stipa comata*) and Blue Grama (*Bouteloua gracilis*). Sub-dominate species include various forbs and woody species.

Vegetation may be affected by numerous land management activities including livestock grazing, development or wildlife management. It is unknown what land use activities may be associated with a change in ownership; however the vegetation on this land is typical of land throughout the vicinity and there are no known rare, unique cover types or vegetation on these tracts. It is expected that these tracts will be used for grazing livestock in the future. The proposal does not include any on the ground activities or changes to activities and therefore we do not expect any direct or cumulative effects would occur to vegetation as a result of this proposal.

Alternative A- No Impact Expected

Alternative B- No Impact Expected- A search of the Montana Natural Heritage Database reveals that there are no rare plant species or cover types within the tracts mentioned.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

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

This parcel of state trust land is used by a variety of wildlife species typical of undeveloped lands throughout the county. Wildlife populations can be affected by land use activities associated with livestock grazing, residential development or agricultural practices. The area provides habitat for a variety of big game species (mule deer, whitetail deer, and pronghorn antelope), predators (coyote, fox, and badger), upland game birds, other non-game mammals, raptors and various songbirds. Wildlife use on this land is not seasonal in nature.

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

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

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

A search of the Montana Natural Heritage Database shows that the Bald Eagle and the Pains Spadefoot Toad are species of concern and have been observed in the general area of this land banking parcel. This tract is a grazing parcel and that is not expected to change with a potential land sale.

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

No *Antiquities*, as defined under the Montana State Historic Preservation Act, were identified. A tract review was done by DNRC Staff Archaeologist, Patrick Rennie. See attachment for comments on tract.

11. AESTHETICS:

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

This tract is located in a rural area of Powder River County. The state land does not provide any unique scenic qualities not also provided on adjacent private lands. The proposal does not include any on the ground activities; therefore there should be no change to the aesthetics in either alternative.

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected- the existing use is expected to continue.

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

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected- the existing use is expected to continue.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected- This parcel is remote Trust Land grazing & hay land and the existing use is expected to continue.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

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

If approved the tract mentioned will move from tax exempt status to taxable status, which will provide income to the county, exact amount is unknown until the assessor appraisal is completed

18. DEMAND FOR GOVERNMENT SERVICES:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

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

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Alternative A- No Impacts Expected

Alternative B- No Impacts Expected

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

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

This tract currently has a grazing lease at the state minimum rate of \$11.41/AUM and generating an income of \$216.79 per year and a cash lease on the 9.6 acre hay field of \$11.00 per acre generating \$105.60 per year. Therefore this parcel is considered average in productivity and producing average revenue per acre. However there is no water on this land and potential for development is very low to enhance the grazing resource. There is no indication the land, if remaining in state ownership, would be used for purposes other than grazing and haying thus it is likely the future income would remain relatively stable. This tract overall looks to have low appreciation potential along with high administrative costs.

An appraisal of the property value has not been completed to date. Under DNRC rules, an appraisal would be conducted if preliminary approval to proceed is granted by the Board of Land Commissioners. The Department is conducting a more detailed evaluation at this time in order to make a determination on whether to offer this tract for sale. The revenue generated from the sale of this parcel would be combined with other revenue in the Land Banking account to purchase replacement property for the benefit of the trust. It is anticipated the replacement property would have legal access and be adjacent to other trust lands which would provide greater management opportunities and income. If replacement property was not purchased prior to expiration of the statute, the revenue would be deposited in the permanent trust for investment.

EA Checklist Prepared By	Name: Marc Aberg	Date: 9/16/2014
	Title: Lands Program Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

Sell this tract of land

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The proposed sale of 80 acres of state trust land through the DNRC's Land Banking Program would not result in nor cause significant environmental impacts. The average productivity, isolated nature of the parcels, no water resource, lack of additional income generating capacity, and high administrative costs for this parcel fit within the criteria of parcels to sell identified in the Land Banking Program. It is also anticipated that the current land use activity of livestock grazing and haying would be unchanged with the sale of this property. Considering these factors, an environmental assessment checklist is the appropriate level of analysis for the proposed action.

The sale of these parcels meets the overall goals and objectives of the Land Banking Program and would satisfy the trust fiduciary mandate.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

EA Checklist Approved By	Name: Chris Pileski
	Title: Area Manager
Signature: \s\ Chris Pileski	Date: 9/18/2014

Attachment 1

The state parcels proposed for sale (SWNW1/4 and SWSE1/4 Section 16 T4S R50E) were inventoried to Class III standards for cultural and paleontological resources. No paleontologic resources were identified, but two cultural resources consisting of 1) a low-profile cairn and minimal scattering of chipped stone debitage; and 2) a small unused granary were identified, formally recorded, and evaluated to determine if either property is eligible for listing in the National Register of Historic Places. Both cultural resources are recommended to lack significance and integrity, and therefore are not Heritage Properties as defined in the State Antiquities Act.

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From: Wilmoth, Stan
To: Rennie, Patrick; Murdo, Damon
Subject: most up to date THPO emails/phones for our web or other
Date: Wednesday, June 04, 2014 11:27:34 AM

TRIBAL CONTACTS

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Al Wiseman

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Aberg, Marc

From: Riley, Jean
Sent: Thursday, August 07, 2014 10:59 AM
To: Aberg, Marc
Cc: Mintz, Shane; Bithell, Keith; Frank, James
Subject: Sale of School Trust Lands - MDT comments
Expires: Tuesday, February 03, 2015 12:00 AM

The Montana Department of Transportation (MDT) staff received a letter dated July 15, 2014. The letter indicated the Department of Natural Resources and Conservation (DNRC) is considering the sale of School Trust Land in Carter, Custer, Garfield, McCone and Powder River Counties.

After reviewing the information, it appears the properties are not adjacent to MDT facilities. However, if access is requested to a MDT roadway, the property owner will be required to complete the approach permit process.

If you have any questions concerning this email, please contact me.

Thank you for the opportunity to comment.

Jean A. Riley, P.E. - Transportation Planning Engineer
Policy, Program & Performance Analysis Bureau
Montana Department of Transportation
(406) 444-9456

Aberg, Marc

From: Muscha, Travis
Sent: Wednesday, August 06, 2014 9:13 PM
To: Aberg, Marc
Cc: Schmitz, Brad; Ensign, John
Subject: RE: land banking

Marc,

In response to the recent scoping letter you sent out July 2014 regarding the parcels of DNRC land that are proposed for sale under the land banking program - Region 7 MT Fish Wildlife & Parks staff (Brad Schmitz, John Ensign, Travis Muscha) have reviewed the parcels and have no objection to the potential sale of these properties. None of these State Land parcels have legal public access and are not enrolled in FWP's Block Management Program. "

Thank you for the opportunity to review and comment,

Travis Muscha
Region 7 Hunting Access Enhancement Coordinator

From: Aberg, Marc
Sent: Wednesday, August 06, 2014 9:16 AM
To: Muscha, Travis
Subject: land banking

I could use a written reply to our scoping letter to follow up on your verbal okay a couple weeks ago. Thanks!!!!!!!!!!!!