

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Pieloch Land Banking Nomination – 2010 review
<b>Proposed Implementation Date:</b>	2010
<b>Proponent:</b>	This tract was nominated by the lessee, Mark J. Pieloch
<b>Location:</b>	Sale # 582; Lots 1-8, E2W2, W2E2 (i.e. all) sec. 36, T16N, R2W
<b>County:</b>	Lewis & Clark County
<b>Trust:</b>	Common School Trust

### I. TYPE AND PURPOSE OF ACTION

Offer for Sale at Public Auction, 692.62 acres of state land currently held in trust for the benefit of Common Schools. Revenue from the sale would be deposited in a special account, with monies from other sales around the State, 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 the same Trust. The proposed sale is part of a program called Land Banking authorized by the 2003 Legislature, and updated by the 2007 and 2009 Legislatures. 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.*

- Legal notices were published in the Great Falls Tribune and the Helena IR on 4/11/2010.
- Direct mailings were made to lessees, adjacent land owners, County Commissioners, State Legislators (from the involved Districts and who were associated with the legislation), and a host of organizations and individuals who had expressed previous interest in this process. A full listing of contacts is attached as Appendix B.
- The tracts were also posted on the DNRC web page at, <http://dnrc/mt.gov/TLMSPublic/LandBanking/LBTest.aspx>
- There was also an article in the Helena IR regarding this proposal on 4/20/2010.

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

No other governmental agencies have jurisdiction over this proposal.

#### 3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Under this alternative, the State retain the entire existing land ownership pattern and would not sell the tract included in this proposal.

Alternative B (the Proposed action) – Under this alternative, the Department would request and recommend approval by the Land Board to sell the nominated tract, encompassing a total area of 692.62 acres. If approved by the Board, the sale(s) would be at public auction, subject to the requirements found in Title 77, Chapter 2, Part 3 of the Montana Codes Annotated. 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. *(The State would then review available lands for sale which would generally have access and an increased potential for income. A separate public scoping and review would be conducted when a potentially suitable parcel was found. It is not possible for this analysis to make any direct parcel to parcel comparisons.)*

### 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.*

A variety of soil types are found across the tract. The proposal does not involve any on the ground disturbance, so there are no soil effect differences between the alternatives. The State does own, and would retain ownership of, all mineral rights. The purchaser of the surface does not acquire the legal right to place restrictions on development of the mineral estate.

#### 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.*

The north fork of Stickney Creek, and two tributaries to this creek flow through the tract. These are perennial streams. There are water rights of record on this tract.

#### 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.*

The proposal does not include any on-the-ground activities, or changes to activities. No effects to air quality would occur.

#### 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.*

Vegetation may be affected by numerous land management activities including livestock grazing, development, wildlife management or agricultural use. It is unknown what land use activities may be associated with a change in ownership; however the vegetation on this tract is typical of land throughout the vicinity and there are no known rare, unique cover types or vegetation on the tract. Range conditions are currently rated poor, with only 4 AUM on the tract.

There are approximately 690 forested acres on the tract (nearly 100% of the tract). Species are a mix of Douglas-fir and Ponderosa Pine. Most of the canopy closure is in submerchantable pole sizes, with sawlog size material restricted to a few drainages and slopes. Access for forest management is hampered by steep terrain and rock outcrops. Over the past years Foresters have looked for viable routes for road construction into and through the tract with no commercially viable routes being found, even during periods of high timber markets. Forest management complying with current Forestry Best Management Practices (BMPs) would be extremely difficult. In addition, the several miles of private subdivision roads leading into the area are not compliant with current BMP standards for road drainage and to be used by the state for forest management, significant redesign and road upgrades on the private lands (as well as payment for temporary access rights) would be needed. The Ponderosa Pine component is currently heavily infested with Mountain Pine Beetle and the associated Blue stain fungus, rendering the material nearly worthless.

The proposal does not include any on-the-ground activities, or changes to activities and therefore we do not expect direct or cumulative effects would occur to vegetation as a result of the proposal.

#### 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.*

These lands provide habitat typical of surrounding lands for a variety of species common to this area, Elk, Mule Deer, Whitetail Deer, upland game birds, raptors, coyote, fox, badger, songbirds, etc.

Big Game Species (Mule Deer, Whitetail Deer, Black Bear and Elk) – Any of these big game species may occupy these land banking tracts, and likewise all of the surrounding private lands. In some cases use may be more prevalent in one season or the other, or may occur generally throughout the year. The proposed land banking sale does not include any on-the-ground management changes so no direct, indirect or cumulative effects are expected to big game species.

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**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 review of Natural Heritage data through NRIS was conducted, as well as tract specific requests for concerns being made to MT FWP.

NRIS search indicated nearby occurrences of Bald Eagle and Peregrine Falcon. Considering the distances to any sizeable body of water, any eagle use would be expected to be transient. The site does contain cliff type habitat which could support peregrine nesting and use. Most of the nearby Devil's Kitchen area contains the same potential habitat.

No direct, indirect or cumulative effects are expected to either of these species of concern.

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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

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

The kinds and quantities of cultural and paleontologic resources on the parcels nominated for Land Banking are currently unknown on most tracts. Lease evaluations report the remains of 3 cabins on the tract. There are also known pictographs on rock faces on the adjacent private land, approximately 1 ¼ miles away, a site known as the Painted Rocks.

If the parcel receives an initial approval to proceed by the Land Board, then a full on-the-ground archaeological evaluation is made, at the proponent's expense. If significant sites are observed, DNRC, per agreement with SHPO, would withdraw the tract from further consideration.

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**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.*

The tract is visible, or partially so, from other adjacent lands, but not from any publicly frequented location. The north fork of Stickney Creek is fairly remote country. 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, so there would be no change to the aesthetics in either alternative.

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**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.*

There are 5,160,530 acres of Trust land surface ownership in Montana (TLMS power search, 3/8/2010). Approximately 4,673,166 acres are in the Common School Trust, statewide. There are approximately 134,389 acres of Trust Land in Lewis & Clark County, including this proposal. This proposal includes 692.62 acres of Common School Trust (a single irregular section).

There are additional tracts of state land currently under consideration for sale (and purchase) through the Land Banking Program on a statewide basis. Each of these tracts is at a different stage in their review process, and is being examined under separate analysis. The authorizing legislation has placed a cap on the total land banking sales of 250,000 acres statewide. As of the end of January 2010, sold lands total 42,303 acres (94.6% were isolated) and purchased lands total 31,588 acres (all accessible). This represents a net decrease part way through the program of 10,715 acres, though there is continual ongoing review for the purchase of replacement properties.

The potential transfer of ownership would not have any impact or demands on environmental resources of land water, air or energy.

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**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.*

Grazing Lease Range evaluations have been conducted on the tract and are in the Department files.

There is one other tract currently under consideration for sale through the land banking program on the Helena Unit. The parcel is in Cascade County and encompasses 165.31 acres of Common School Trust land.

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**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.*

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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

No impacts to human health and safety would occur as a result of the proposal.

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

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

The following leases exist upon this proposed land banking tract.

County	Legal	Acres	Uses
Lewis & Clark	Lots 1-8, E2W2, W2E2 (all of an irregular section), section 36, T16N, R2W	692.62	Limited grazing

This proposal does not include any specific changes to these activities, except that DNRC would no longer be leasing the grazing.

No direct or cumulative impacts are anticipated as a result of the proposal.

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**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.*

The proposal would have no affect on quantity and distribution of employment.

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**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.*

As State Trust lands, these properties are tax exempt. If the parcel in this proposal is sold, and use continues unchanged, Lewis & Clark County would receive additional property tax revenues as shown below. (Estimated tax revenues were provided by the L&C Co. Treasurer's Office on 3/30/2010.)

Legal	Est. tax revenue
Lots 1-8, W2E2, E2W2 section 36, T16N, R2W	\$xxx

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**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*

No traffic changes would be anticipated. In fact, there are no currently viable roads on the tract.

Wildland fire protection is currently provided for these Trust lands by DNRC as the lands are within the Helena Forest Fire Protection District. If sold, these lands would continue to receive wildland fire protection from DNRC as all forested lands within this Forest Fire District are assigned to DNRC for fire protection, regardless of ownership.

The BLM (Lewistown Field Office) provided comment regarding the sale. Their concern was that potential sale could reduce future opportunity to block public lands within this immediate area, or could reduce potential for future access to the BLM lands. The BLM has no access to their land locked parcels in the area at this time, and no proposals under consideration to develop any. Any access to the BLM from the west (across the state parcel) would involve numerous individual access agreement negotiations through several miles of subdivided land. One of the current private land owners to be crossed in this manner is the lessee who has nominated this tract. It seems unlikely in this situation that the sale of the parcel would adversely affect BLM operations in the future.

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**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.*

There are no zoning or other agency management plans affecting these lands.

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**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.*

State Trust lands which are legally accessible to the recreationist are available for general recreational use with the purchase of a General Recreational Use License. Through agreement with FWP, activities associated with hunting, fishing, and trapping are allowed on legally accessible state lands through the purchase of the Conservation license. Other types of recreational use require either a "State Land Recreational Use License", or a "Special Recreational Use License", depending upon the type of use.

In general, there are 4 methods of gaining legal access for recreational purposes.

1. Access via a public road or easement for public access.
2. Access via a recreationally navigable river.
3. Access via other adjacent public lands, when there is a legal access to those lands.
4. Access via permission of an adjoining landowner.

The lands in section 36, T16N, R2W are land locked by private lands. The BLM does own a parcel adjacent to the state parcel on the east side, however their lands are also land locked by private lands. Access for recreational uses requires some private landowner permission in these cases.

The Department received comment from the Department of Fish, Wildlife & Parks (FWP) indicating no concerns regarding this potential land ownership change. While the department of FWP did recognize the area to have some current wildlife habitat values, these were not unique values in the area and they supported the sale of inaccessible parcels with the purchase of replacement lands that are accessible to sportsmen.

If the lands are sold, access for recreational purposes would only be conducted with permission of the new landowner. It is anticipated, and a program objective, the replacement lands purchased with the land banking funds be accessible to the public.

As of the end of December 2009, 94.6% of the acres sold through this program have been inaccessible and 100% of the acres purchased have public access. There is however no guarantee that lands which would benefit the Trust would be available for purchase by the DNRC in this area, or even in this County.

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**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.*

The proposal does not include any changes to housing or developments. No effects are anticipated.

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## 22. SOCIAL STRUCTURES AND MORES:

*Identify potential disruption of native or traditional lifestyles or communities.*

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposal.

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## 23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The State Trust lands in this proposal are currently managed for grazing uses as part of a larger pasture of mixed state and private land. The State lands are generally indistinguishable from the adjacent private lands, with no unique quality.

The potential sale of the state land would not directly or cumulatively impact cultural uniqueness or diversity. It is unknown what management activities would take place on the land if ownership was transferred.

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## 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.*

An appraisal of the property value has not been completed to date. **The following estimations are based upon the Department fee schedule estimates of land values, by County and land type.** Under DNRC rules, an appraisal would be conducted if preliminary approval to proceed is granted by the Board of Land Commissioners. If approved for sale, the revenue generated 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 the expiration of the statute, the revenue would be deposited into the permanent trust for investment.

**Fee Schedule Land Value and Income Per Acre**

<b>Fee Schedule land value/acre</b>	<b>Leased use</b>	<b>2009 income</b>	<b>Income per acre whole tract average</b>
\$450/ ac. on 692.62 ac	Grazing lease	\$24.48 on 4 AUM (0.006 AUM/ac.)	\$0.035/ac.

The statewide stocking rate for grazing land on 4.3 million acres averages .23 AUMs per acre or a total of 978,462 AUMs (2009 DNRC Annual Report). 2009 statewide grazing land net revenue was \$7.163 million for an average income of \$1.66 per acre (2009 DNRC Annual Report).

The land in this proposal has a grazing income of \$0.035/ac., which is far below the statewide average of \$1.66/ac.

The commercial timber value of the parcel is marginal due to the location of the merchantable stands, relatively poor quality timber and the presence of rock outcrops. Development of the parcel for commercial harvest would require extensive road construction on adjacent private lands and line skidding on steep slopes. With very high to extreme development costs (if any viable route could even be located), and very low timber value (the MPB killed and blue stained Ponderosa Pine will never rebound in value), the tract, even though nearly 100% forested, is not a commercial forest management opportunity for the school trust.

Another method to compare the productivity of a tract is to consider the return on the asset value. The 2009 Montana State Lands Return on Assets FY 2009 report indicates that the overall net income per asset in the Central Land Office was 0.43%. (Based on the total net income from all Trust land activities in the CLO divided by the estimated total land value in the CLO.) The gross 2010 income from this tract (\$24.48) divided by the estimated value of this tract based on fee schedule (\$311,679.00)

would be 0.0078%. This gross income per asset value is already far below the CLO average net income per asset value. Subtracting CLO operating expenses would yield an even lower percentage.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> D.J.Bakken	<b>Date:</b> 7/17/2010
	<b>Title:</b> Helena Unit Manager	

## V. FINDING

### 25. ALTERNATIVE SELECTED:

I have selected I have selected the Proposed Alternative B, recommend the tract receive preliminary approval for sale and continue with the Land Banking process.


### 26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have evaluated the comments received and potential environment affects and have determined significant environmental effects would not result from the proposed land sale. This acre parcel does not have any unique characteristics, critical habitat or environmental conditions indicating the tract should necessarily remain under management by the Department of Natural Resources and Conservation. There are no indications they would produce substantially greater revenue or have substantially greater value to the trust in the near future.

The grazing lease is well below the statewide average productivity and income for state leased land. The annual grazing lease income for the parcel has been approximately \$25.00 per year. Access to this parcel is determined by the surrounding private land and if sold is likely to be managed in a manner consistent with surrounding lands.

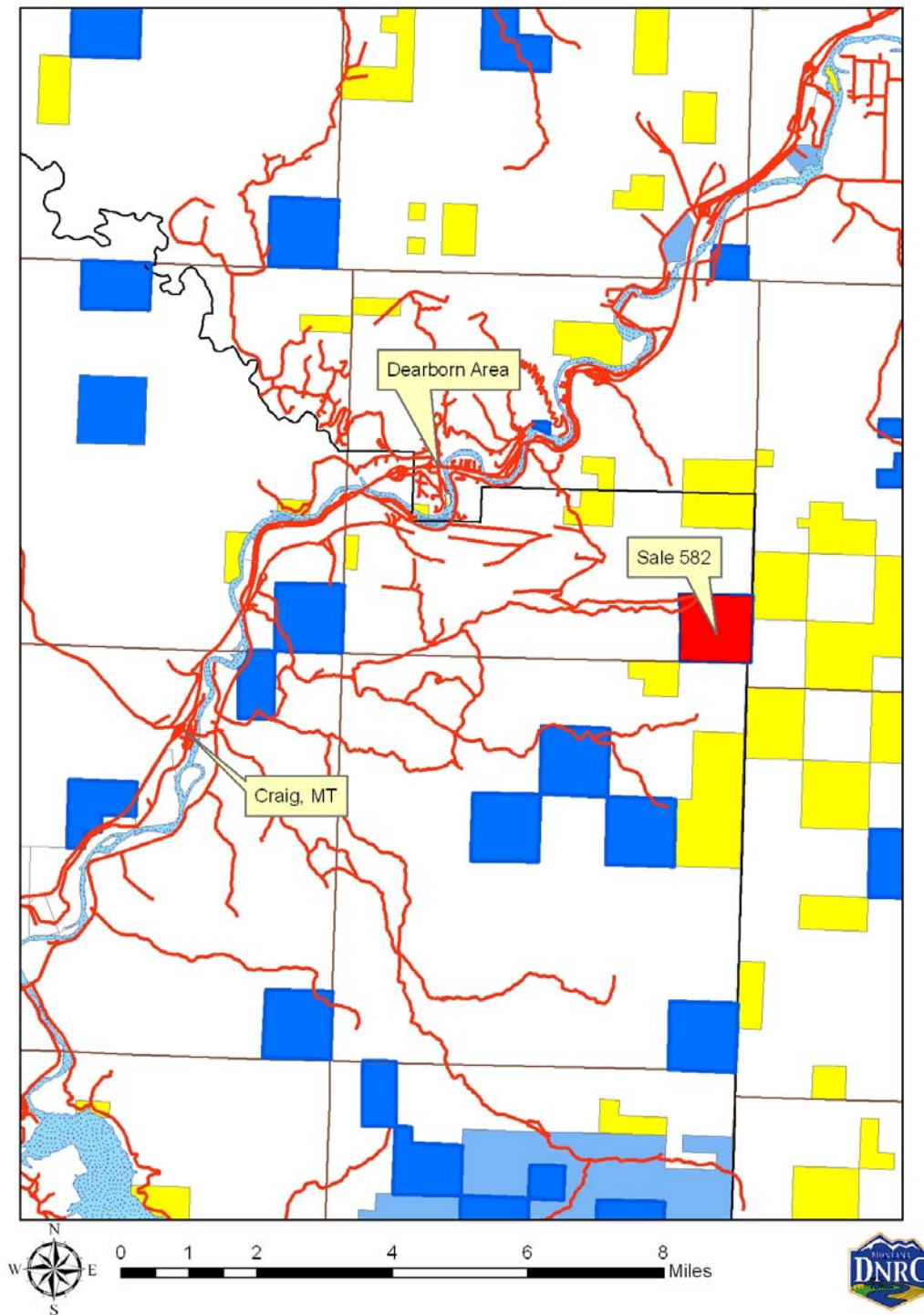
### 27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS      ☐ More Detailed EA      ☒ No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Garry Williams
	<b>Title:</b> Area Manager, Central Land Office
<b>Signature:</b> 	<b>Date:</b> 9/27/2010

# Pieloch Land Banking

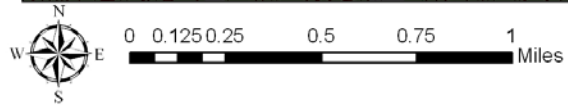
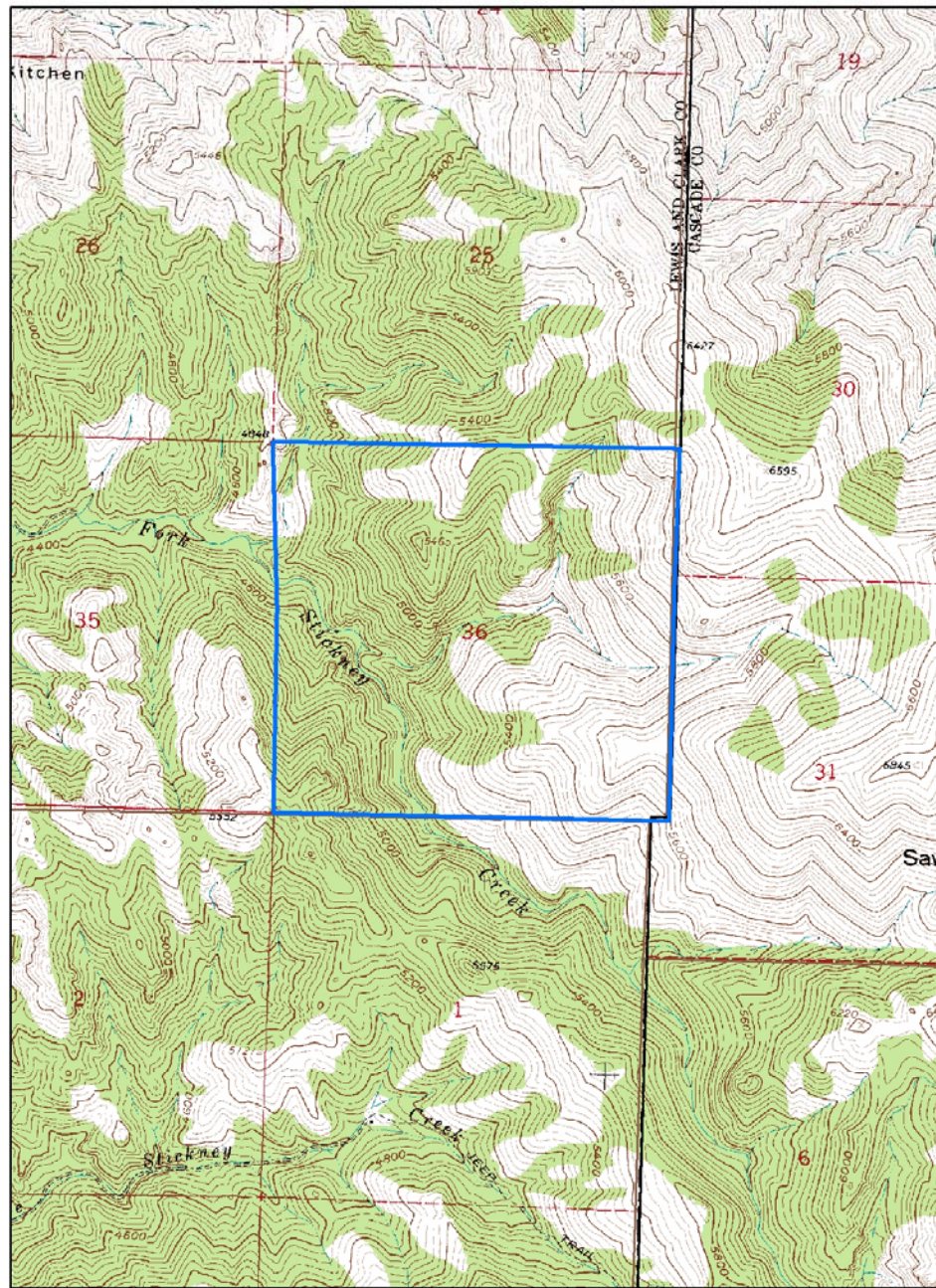
36, T16N, R2W





# Pieloch Land Banking

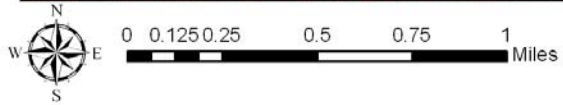
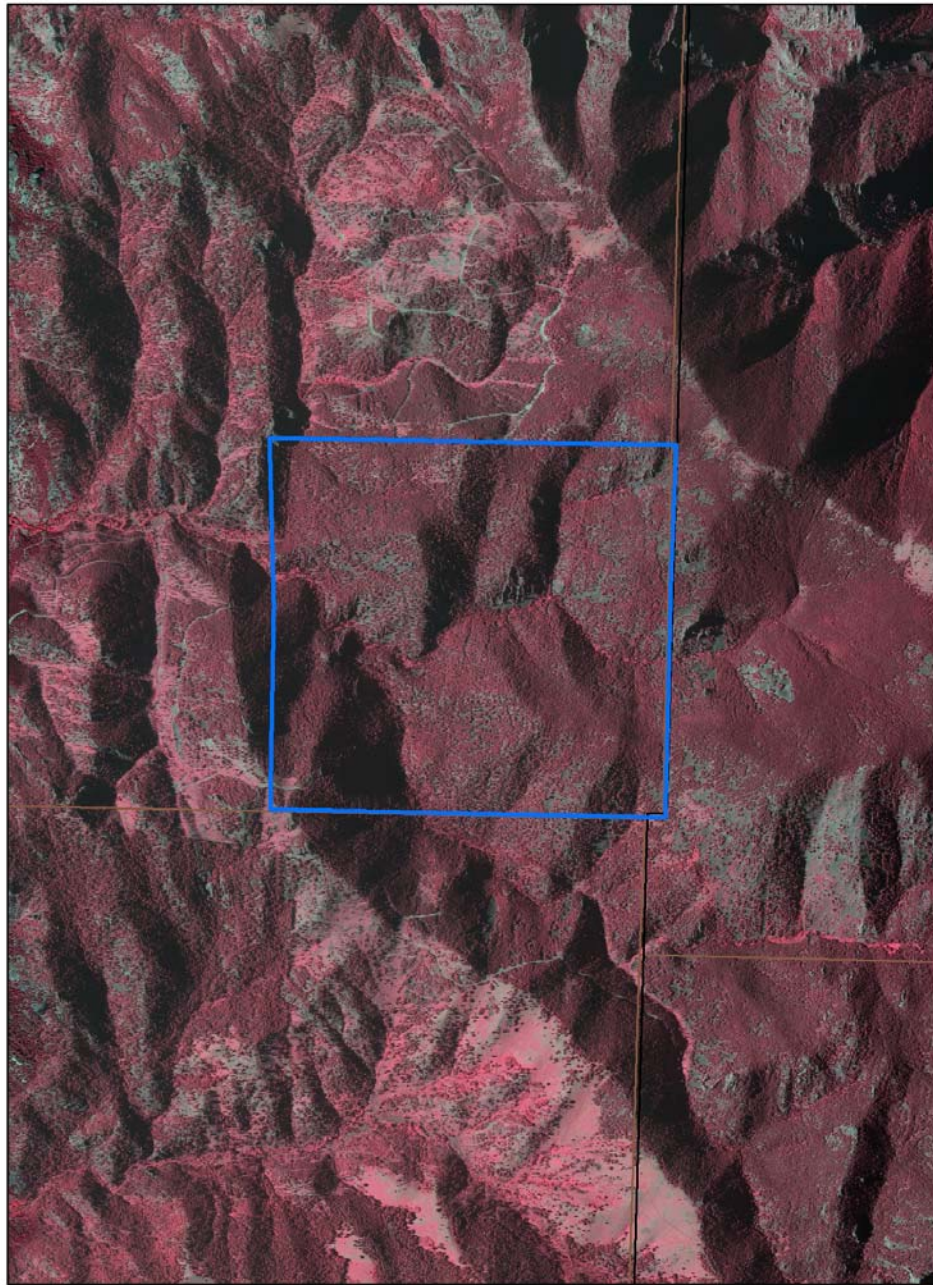
36, T16N, R2W





# Pieloch Land Banking

36, T16N, R2W



**Attachment B**  
**Land Banking Contacts**

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Montana Environmental  
Information Center  
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