

CHECKLIST ENVIRONMENTAL ASSESSMENT

RECEIVED

Project Name:	Jellison Road Parking Lot and Access Road	MAR 08 2006 LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
Proposed Implementation Date:	January or February 2006	
Proponent:	Yellowstone County	
Location:	Section 36, Township 1 South, Range 25 East	
County:	Yellowstone County	

I. TYPE AND PURPOSE OF ACTION

Yellowstone County is proposing to construct a 60' x 30' parking lot in the NE¼NW¼ of Section 36, T1S, R25E for the purpose of facilitating recreation access to the State land in Sections 36 and 25. The County recently reopened Jellison Road, which terminates at the midsection line, to public travel. The parking lot is proposed to be constructed to provide a place for recreationists to park their vehicles so they no longer have to park along the roadway adjacent to the adjoining private land. In addition, the Land Use License will permit the County to utilize the existing roadway on the State land to access the proposed parking lot. Illustrations showing the location of the proposed parking lot can be found in Attachments A and B of this document.

II. PROJECT DEVELOPMENT

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

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

No formal public scoping was performed by DNRC for this proposed project. However, the DNRC Southern Land Office was a participant in numerous meetings with stakeholders on the road and public access issues and ultimately the proposed parking lot. The other participants in these meetings included, but were not limited to, the following:

- Yellowstone County Board of County Commissioners
- Yellowstone County Public Works Department
- Doug and Diana Dolph, State grazing lessees and adjoining land owners
- Randall and Carla Bell, adjoining land owners
- Ken Tolliver, adjoining land owner
- John Gibson, Billings Rod & Gun Club and Public Land & Water Access Association
- Tom Madden, sportsman
- Montana Department of Fish, Wildlife and Parks

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

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Issue a Land Use License to Yellowstone County to allow the construction and maintenance of a parking lot and permit the use of the existing roadway from the midsection line west approximately 600' to access the parking lot.

No Action Alternative: Deny the request by Yellowstone County to construct a parking lot on the State land and utilize the existing access roadway.

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.

The area where the parking lot is proposed is a flat area immediately adjacent to the existing gravel roadway. The County will place a gravel surface for the parking lot on top of the existing soil and no excavation is anticipated. No significant impacts to geology or soil quality, stability or moisture would occur as a result of implementing the proposed alternative.

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 parking lot is proposed to be located approximately 400 feet from a seasonal side channel of the Yellowstone River and approximately 2,400 feet (\pm 0.45 miles) from the main channel of the Yellowstone River. The gravel road that will be used to access the parking lot has existed since at least the 1940s. No significant impacts to water quality, quantity and distribution would occur as a result of implementing the proposed alternative.

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 proposed alternative will increase vehicular traffic to the area by a nominal amount as sportsmen and recreationists utilize the existing gravel Jellison Road and access roadway to access the proposed parking lot to recreate on the State land. During a phone conversation with Bob Moats, Yellowstone County Road and Bridge Supervisor, he committed the County to providing dust suppression from the intersection of Stratton Road and Jellison Road west to the parking lot. This will help mitigate air quality issues that may arise as a result of an increase in vehicular traffic on the gravel roads that pass by private residences and the dust suppression requirement will be added as a stipulation to the Land Use License. Yellowstone County already provides dust suppression on Stratton Road from Hillcrest Road to Jellison Road, which is the primary road to access the State lands.

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.

A search of the Montana Natural Heritage Program database indicated that no plant species of concern are located in the project area.

The gravel parking lot is proposed to cover approximately 1,800 square feet of existing range land. Additionally, the parking lot will create an increase in vehicular traffic on the existing access roadway, along with more foot traffic on the State land and this is likely to result in an increase in noxious weeds on the parcel. The Land Use License will require the Licensee, Yellowstone County, to control any noxious weeds introduced as a result of their licensed activity.

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.

There will be an impact to wildlife, birds and fish as a result of improved accessibility to the State land for hunters and anglers. The parcel contains deer, pheasants and turkeys, as well as providing direct access to a seasonal side channel of the Yellowstone River. Anglers can also access State land in Section 25 or follow the side channel to access the main channel of the Yellowstone River. The increased access to the State land will have a marginal impact on the local wildlife and fish populations. The Montana Department of Fish, Wildlife and Parks regulates hunting and fishing within the State and maintains viable wildlife populations through its regulation of hunting in the State.

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 Program database identified the following threatened or sensitive species in the general project area. The bald eagle was listed as a threatened species, while the following four animals were listed as sensitive: spiny softshell turtle, western hognose snake, milk snake and the long-billed curlew. There were no threatened or sensitive species noted in the area where the parking lot is proposed to be constructed. The area that will be converted into the parking lot only contains 1,800 square feet and no impact to unique or threatened species is anticipated to occur as a result of implementing the proposed alternative.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

An on-site inspection was conducted by Sharon Moore, Area Manager, of the proposed parking lot and no historic or archaeological sites were found. Patrick Rennie, DNRC Archaeologist, verified that there were no documented cultural sites in the area of the proposed parking lot.

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 location of the proposed parking lot was the subject of much discussion between the County, DNRC Southern Land Office, and the affected adjoining land private owners, the Dolphs and Bells. The location that is proposed in the Land Use License (LUL) is a compromise location that is intended to try and minimize the impacts to the adjoining private owners, especially the Dolphs. Even at its proposed location, it is anticipated that the new parking lot will generate some moderate impacts to the Dolphs because there is no current public access via the existing roadway. Additionally, the parking lot will change the character of the current natural state of the site, although it will only cover 1,800 square feet. Finally, the Southern Land Office will be implementing additional restrictions on the site to prohibit rifle use on the State lands in Section 25. The Southern Land Office has previously restricted the use of rifles on Section 36.

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.

The proposed alternative would make recreation access to this section easier and in the short term it may relieve pressure on other recreation sites in the Billings area. However, due to the growth of Billings and the surrounding area it can be expected that the demand for using this section will continue to increase and this could have negative impacts on the surrounding private properties. Also, because of the relatively central location of the proposed parking lot, it will allow for a greater diversity of sportsmen and recreationists to use the parcel since the proposed parking lot will no longer require them to hike on steep terrain around private property

to utilize the majority of the State land. Finally, as a part of the parking lot construction permitted in the Land Use License, DNRC will require that Yellowstone County install pedestrian gates in the existing fencing so that sportsmen can directly access the portions of the State land to the north and south of the parking lot.

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.

There are no known state or federal actions in the vicinity and no known future actions proposed by the state that would have cumulative impacts with this proposal.

<p style="text-align: center;">IV. IMPACTS ON THE HUMAN POPULATION</p>

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| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> |
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14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The greatest current health and safety risk is that posed by the use of firearms on the property. The Southern Land Office currently has a restriction on Section 36 that only permits shotgun, muzzleloader and archery use and prohibits rifles. In addition, all State lands have a prohibition of discharging a firearm within ¼-mile of an inhabited dwelling or nearby out-building (A.R.M. 36.25.149[c]). To help mitigate this issue, the Southern Land Office has implemented additional restrictions to prohibit rifle use on the State ownership on Section 25 and only allow shotgun, muzzleloader or archery. The restriction on Section 25 will make the restrictions on Sections 25 and 36 the same which will help to eliminate any confusion by hunters and help in the enforcement of these restrictions by the Department of Fish, Wildlife and Parks Game Wardens. Also, the DNRC Southern Land Office will have maps available at the parking lot showing the State ownership, as well as illustrating the areas that are within ¼-mile of inhabited dwellings to help prevent illegal firearm discharge.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

The proposed parking lot will remove 1,800 square feet (± 0.04 acre) of land from the affected State grazing lease (Lease #6850). The amount of land removed is not enough to warrant an adjustment in the Animal Unit Months (AUMs) on which the State bases the grazing lease rent. The proposed parking lot will facilitate easy access onto the State land for more sportsmen and recreationists and this may cause some disruptions to the operations of the two-(2) existing State grazing lessees on Sections 25 and 36. The proposed action would not have a significant impact on industrial, commercial and agricultural activities and production.

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 proposed action of constructing the parking lot will be a relatively short duration project and will utilize existing Yellowstone County Road and Bridge staff and therefore would not have a significant impact on employment.

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.

No Impact. The subject property is State Trust land and is exempt from taxes and the parking lot construction will not affect the tax exempt status of the parcel.

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

The proposed parking lot could have a minor impact on a number of services provided by various governmental agencies. Yellowstone County could be affected by an increase in costs to maintain Jellison and Stratton Roads due to an increase in traffic, as well as the potential for an increase in calls to the Sheriff if there are law enforcement issues because of the increase in number of users of the land. Additionally, the Montana Department of Fish, Wildlife and Parks Game Wardens may experience an increase in calls regarding hunting and fishing complaints from users and neighbors of the State land. Finally, the DNRC Southern Land Office will likely experience an increase in calls regarding use of the State land and will have to deal with management of the tract and attempt to limit any illegal uses that are could occur on the tract, such as motorized vehicles, 4-wheelers and motorcycles trying to utilize areas outside of the fenced access road and parking lot where use of motorized vehicles is prohibited.

The Southern Land Office will erect a sign in the proposed parking area that will list the restrictions and rules for persons recreating, hunting or fishing on the State land. Additionally, the SLO will place signs on the boundaries of the State land to discourage trespass onto adjoining private property. SLO will also have maps available in the parking lot that will illustrate the State ownership and the ¼-mile radius from inhabited dwellings that adjoin the State lands, where the discharge of firearms is prohibited. By informing the public of the restrictions and rules it is hoped that this will reduce the number of problems that may arise from the increase in recreational use on the State land.

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.

The State land in Sections 25 and 36 is located within the Yellowstone County Zoning Jurisdiction and is zoned Agricultural-Open Space. During a 21 December 2005 phone conversation with Candi Beaudry, Planning Division Manager, she stated that the proposed parking lot was a permitted use in the Agricultural-Open Space zoning district. She stated that it would be treated as an accessory use to the primary use of the property, which is noncommercial recreation. Noncommercial Recreation uses are permitted outright in the Agricultural-Open Space zoning district.

The construction of the proposed parking lot complies with two goals contained in the 2003 Yellowstone County and City of Billings Growth Policy and they are to:

- Create accessible public lands; and
- Protect and increase the availability of public access to natural areas and trails along the Yellowstone River.

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.

The State land currently has legal access located in the extreme northeast corner of the section. However, this access point requires persons to park beside the road and hike by foot around private property to access the central, northern and western portions of Section 36 or the adjoining State ownership in Section 25. The location of the proposed parking lot near the midsection line will facilitate easier access to all portions of the State lands and allow recreational participation by those previously unable to negotiate the steep terrain required to presently access the entire State ownership. There are no planned trail improvements on the State land and any access from the parking lot onto the State land would only be by foot or horseback. However, Yellowstone County will install pedestrian access gates in the existing fencing at the parking lot on both the north and south sides of the roadway to facilitate easy access into the State land from the parking lot.

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 proposed alternative would have no effect on density and distribution of population and housing.

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 proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The proposed alternative would not directly impact cultural uniqueness or diversity.

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.

The Common Schools Trust will benefit by getting a rental fee from Yellowstone County for the parking lot and access road, however, the exact amount of rent to be charged has not been determined at this time. During the course of the meetings discussing the status of Jellison Road and the potential for better recreation access, other uses on the State land were discussed, such as locating a fishing access on the site. Presently, the State land is poorly situated to accommodate a fishing access, unless the Yellowstone River has a substantial change in course due to a flood or ice jam.

Sections 36 and 25 also have potential for future Real Estate development due to the proximity and number of surrounding homes. The Real Estate Management Bureau Final Programmatic EIS Record of Decision would tend to discourage development on this section at this time due to lack of centralized water and sewer. However, if the City of Billings extends services towards this area at some time in the future, it would have potential for further development.

EA Checklist Prepared By:	Name: Jeff Bollman, AICP	Date: 9 January 2006
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended that a Land Use License (LUL) be issued to Yellowstone County. This LUL would permit the County to utilize the existing roadway on the State land to access the proposed parking lot and allow the County to construct and maintain the parking lot.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant impacts to the State land and surrounding private properties has been mitigated by the imposition of additional restrictions on the use of rifles on Section 25; the agreement by Yellowstone County to provide dust suppression on the access road; and the signing proposed by the Southern Land Office to educate the public that will utilize the land for various recreational purposes.

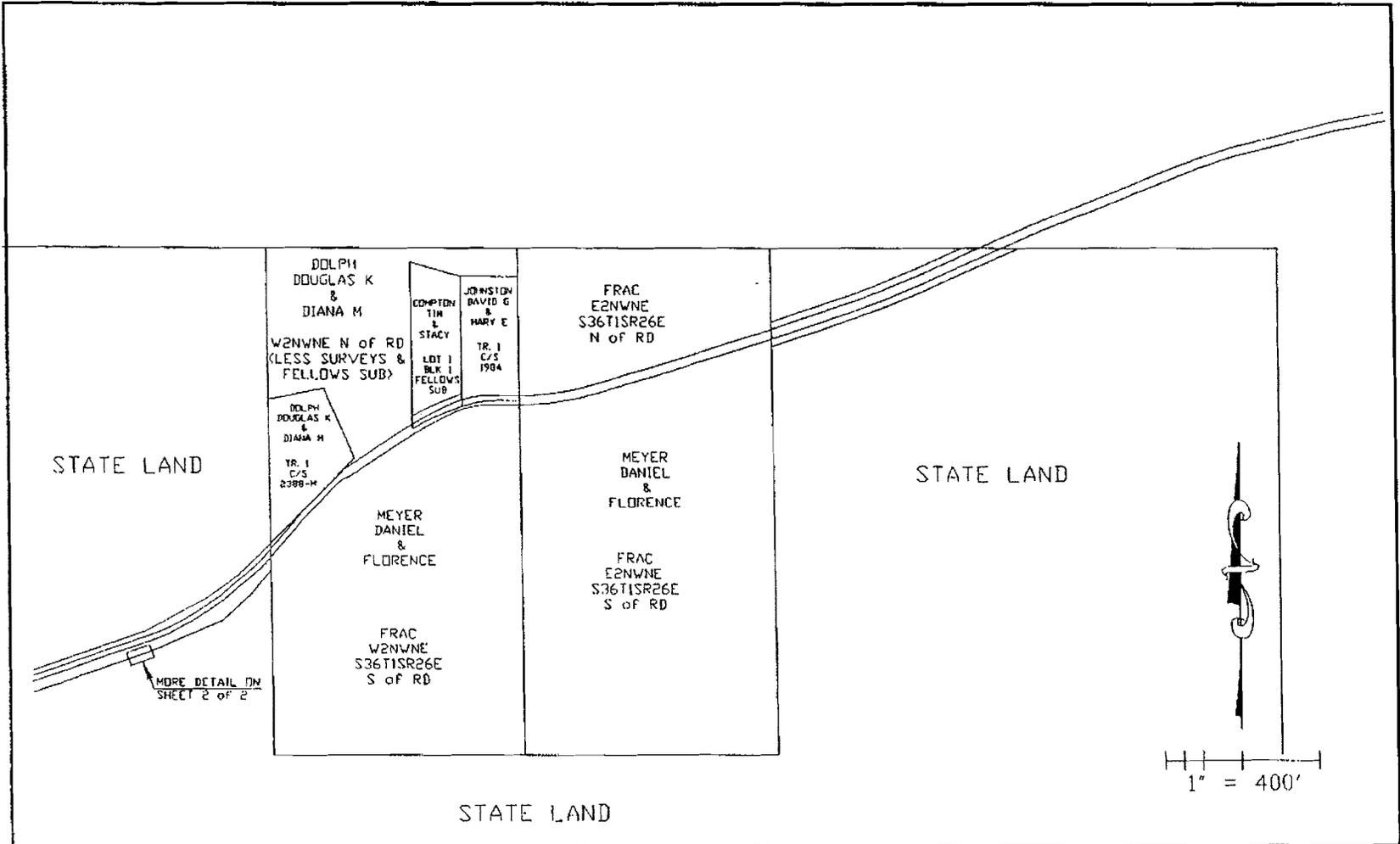
27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

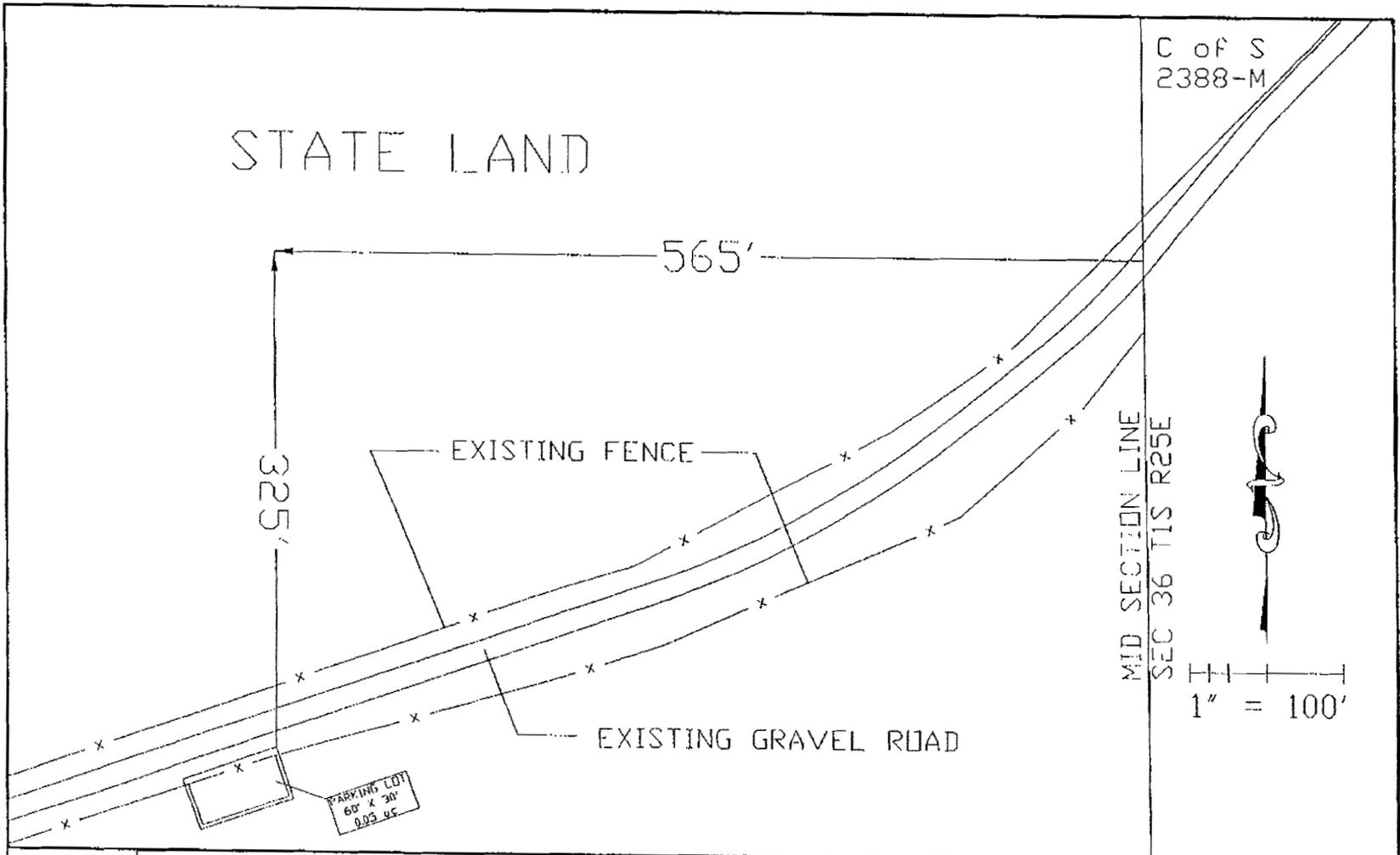
No Further Analysis

EA Checklist Approved By:	Name: Sharon Moore
	Title: Area Manager, Southern Land Office
Signature: <i>Sharon Moore</i>	Date: <i>January 9, 2006</i>



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<p>Approved by: MB</p> <p>Date: November 2, 2005</p> <p>Filename: JELSTATE</p> <p>Drawn by: VLL</p>		<p>YELLOWSTONE COUNTY</p> <p>EXHIBIT A</p>	<p>SHEET 1 of 2</p>
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		<p>EXHIBIT A</p>	<p>2 of 2</p>