

Project Name:	S. Tucker Johnson Land Banking Tract
Proposed Implementation Date:	Fall 2008
Proponent:	S. Tucker Johnson (Grazing Lessee)
Location:	Sale #467: W½ of Section 16-T2N-R14E (320 acres)
County:	Sweet Grass County

I. TYPE AND PURPOSE OF ACTION

Offer for sale at public auction, 320 acres of State Land that is currently held in Trust for the benefit of Common Schools. Revenue generated from the sale of this parcel would be deposited into a special account to be used to purchase replacement lands meeting acquisition criteria related to legal access, productivity, potential income generation and potential for multiple use. The new parcel would then be held in Trust for the benefit of Common Schools. This proposed sale is being initiated through the Land Banking program (Montana Code Annotated 77-2-361 through 77-2-367) that was approved by the Legislature in 2003 and modified in the 2007 session. The purpose of this program is to allow the Department of Natural Resources and Conservation to dispose primarily of parcels that are isolated and produce low income relative to similarly classified tracts and to allow the Department to purchase land with legal public access that can support multiple uses and would provide a rate of return equal to or greater than the parcels that were sold. Additionally, this program allows for the Trust land portfolio to be diversified, by disposing of grazing parcels that make up a majority of the Trust land holdings and acquire other types of land, such as croplands.

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 notification was sent to all surface lessees in September 2004 informing them of the Land Banking program and requesting that lessees contact their Area or Unit offices regarding their leased parcel and how well it fit the program criteria for sale. The lessees had until January 31, 2005 to submit completed nomination forms to their Area or Unit office.

A letter soliciting comments and explaining the proposed sale was sent to property owners adjoining this state parcel and interested parties on November 2, 2007 requesting that comments be submitted on the proposal by December 7, 2007. A complete list of individuals and interested parties contacted is included on Attachment C of this EA.

A legal notice was published in the Big Timber Pioneer Press on November 1, 2007 requesting that comments be submitted on the proposal by December 7, 2007. Two comments were received, one respondent requested to be kept abreast of the process while the other commenter did not believe that the land should be sold.

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

None.

RECEIVED

MAR 29 2008

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

3. ALTERNATIVES CONSIDERED:

Action Alternative: Offer the 320 acres of State Land for sale at public auction and subject to statutes addressing the sale of State Land found in M.C.A. 77-2-301 et seq. Proceeds from the sale would be deposited in the Land Bank Fund to be used in conjunction with proceeds from other sales for the purchase of other State Land, easements, or improvements for the beneficiaries of the respective trusts, in this case Common Schools.

No Action Alternative: Defer inclusion of this tract in the Land Banking Program that will permit the State to maintain ownership of this tract and continue the grazing lease.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

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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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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 existing land use is expected to continue. No impacts are anticipated.

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 State has a surface water right (#43B 136165 00) Statement of Claim for stock use. Lien Gulch, an intermittent stream, runs west to east through the State ownership. The proposed transfer of ownership of this parcel is not expected to have any direct or cumulative effects on water quality, quantity or distribution. Considering the existing use is expected to continue on the parcel, no significant impacts are anticipated.

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 existing use is expected to continue. No impacts are anticipated.

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 vegetation on this tract is typical of land in the surrounding area and could be affected by various land management activities including livestock grazing, development, wildlife management or agricultural use. A search of the Montana Natural Heritage Program database indicates there are no known rare, unique cover types or vegetation on this tract. The existing use is expected to continue and therefore, no direct or cumulative effects are anticipated.

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.

A variety of big game, small mammals, raptors, game birds, and songbirds typical on undeveloped land throughout Sweet Grass County potentially use this area. Wildlife populations could be affected by land use activities associated with livestock grazing, residential development, or agricultural practices. The existing land use is anticipated to continue and therefore, no direct or cumulative wildlife impacts are anticipated.

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 proposed project area search of the Montana Natural Heritage Program database identified three vertebrate animals that are listed as a species of concern, threatened species, or endangered species: gray wolf, peregrine falcon, and greater sage-grouse.

Gray wolves are known to exist near the proposed project area and could occasionally use portions of the proposed project area. Due to the existing land use expected to continue, no significant impacts are anticipated.

Peregrine falcons are known to exist near the proposed project area and could occasionally use portions of the proposed project area. However, few cliff features suitable for use by nesting peregrine falcons occur near the proposed project area. Due to the existing land use expected to continue, no significant impacts are anticipated.

Greater sage-grouse are known to exist near the proposed project area and probably inhabit the proposed project area. There have been no leks identified near the proposed project area and, due to the existing land use expected to continue, no significant impacts are anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

The presence or absence of antiquities is presently unknown. A Class III level inventory and subsequent evaluation of cultural and paleontologic resources would be undertaken if preliminary approval of the parcel nomination by the Board of Land Commissioners is received. Based on the results of the Class III inventory/evaluation the DNRC will, in consultation with the Montana State Historic Preservation Officer, assess direct and cumulative impacts.

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 existing land use is expected to continue. No impacts are anticipated.

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 existing land use is expected to continue. No impacts are anticipated.

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.

This 320-acre tract is part of a proposed sale of State land not to exceed 20,000 acres within the state and under concurrent analysis. There are two 30' wide private access road (same road) Right-of-Way easements (Easement Nos. 10355 and 14008) on this parcel that would remain if the parcel was sold. 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> <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 existing land use is expected to continue. No impacts are anticipated.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

The existing land use is expected to continue. No impacts are anticipated.

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 existing land use is expected to continue. No impacts are anticipated.

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.

This tract is currently tax-exempt and the sale of this tract to a non-exempt entity would add it to the county tax base, thus marginally increasing tax revenue to the county.

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 existing land use is expected to continue. No impacts are anticipated.

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 Sweet Grass County 2003-2008 Growth Policy identified two goals regarding land use: To protect, encourage and support the agricultural base of the county and its agricultural resources, and,

to achieve the most appropriate use of land within the County so sufficient areas are provided for existing and future residential, commercial and industrial needs and, at the same time, to enhance ecological and environmental values; To encourage future residential, commercial, and industrial growth within or near the presently existing communities of the county in a manner that provides for efficient use of the county's infrastructure and services. Based on these goals and the location of this parcel approximately six and one-half miles north of Big Timber, it is assumed that the current grazing use of the parcel will continue; therefore, there would be no significant impact.

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.

This tract is surrounded by private deeded property and there is no legal access to this tract. No impacts are anticipated.

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 existing land use is expected to continue. No impacts are anticipated.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

The existing land use is expected to continue. No impacts are anticipated.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The existing land use is expected to continue. No impacts are anticipated.

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 320-acre parcel currently has a grazing lease for 89 Animal Unit Months (.28 acres/AUM) at a rate of \$25.00/AUM. Income generated in 2008 from the tract is \$2,225.00 or approximately \$6.95/acre. The average annual income for the past 5 years has been \$1,199.58 or \$3.75/acre. Based on the DNRC Annual Report for Fiscal Year 2006, the average income for the 4.3 million acres of grazing land was \$1.62/acre with an average productivity of .26 acres/AUM. Therefore, this tract is considered average in productivity. The tract is above average in revenue per acre due to a competitive bid when Grazing Lease #2111 was renewed in 2007.

An appraisal of the property value has not been completed to date. Under DNRC rules, the appraisal would be conducted after preliminary approval to proceed is granted by the Land Board and the Department is conducting more detailed evaluations in order to make a final determination on whether to offer the tract for sale. The revenue generated from the sale of this tract is intended to 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, which would provide greater management opportunities and income. Assuming an appraised value of \$500/acre, the current annual return on the asset value from grazing lease revenues for this tract is 1.39%.

EA Checklist Prepared By:	Name: Richard A. Moore	Date: February 8, 2007
	Title: Area Manager, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

After review, I have selected the proposed Action Alternative; it is recommended that the tract receive preliminary approval for sale and continue with the Land Banking process.

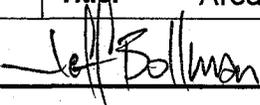
26. SIGNIFICANCE OF POTENTIAL IMPACTS:

DNRC did receive one comment opposing the potential sale of this parcel citing a great resource for the community, especially during hunting season. The tract does not have legal access or any unique characteristics, critical habitat, or environmental conditions indicating it should necessarily remain under management by the Department of Natural Resources and Conservation. There are no indications the tract would produce substantially greater revenue or have substantially greater value to the trust in the near future.

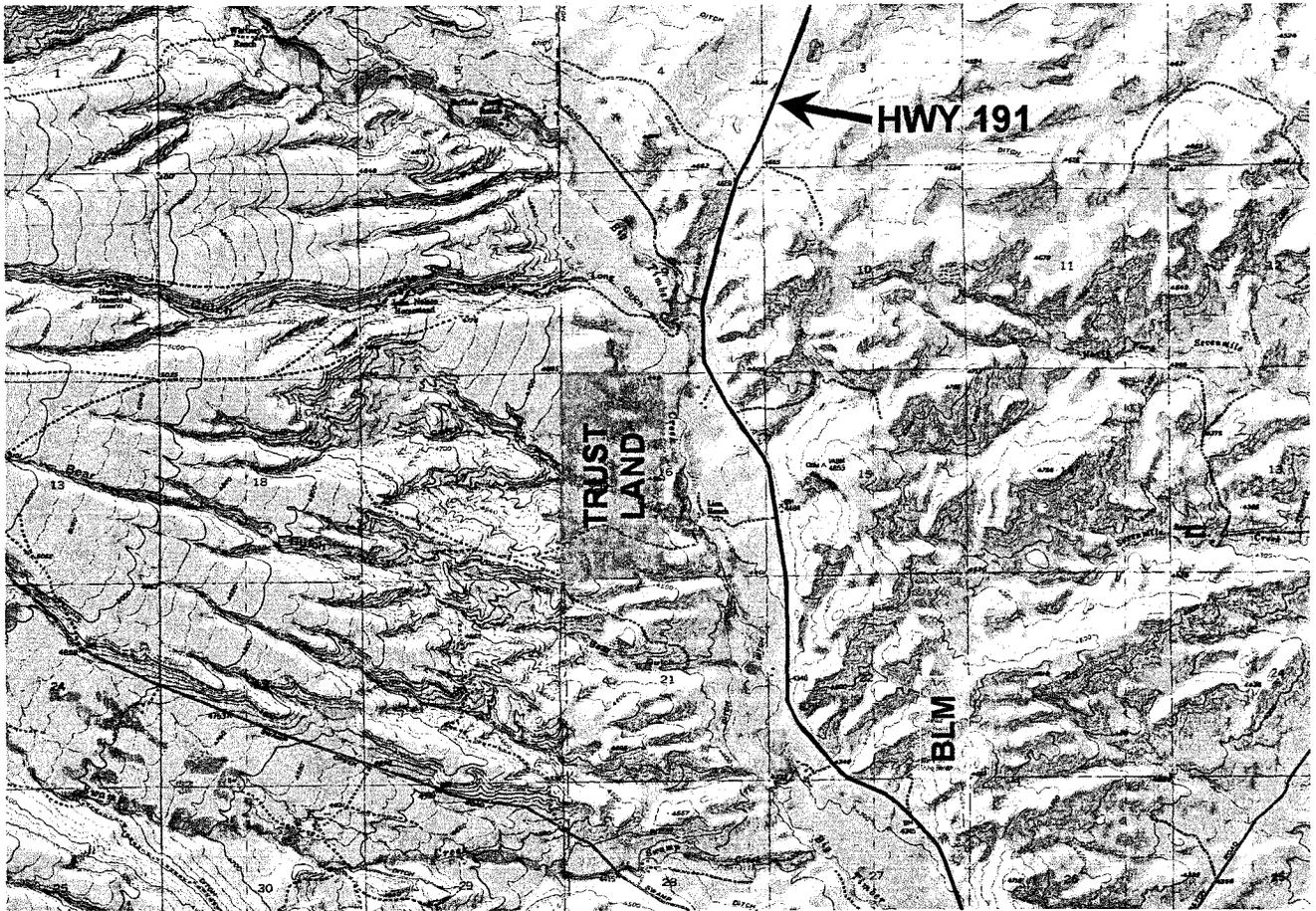
The transfer of ownership of this 320-acre tract will not result in any significant effects to the human or natural environment.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

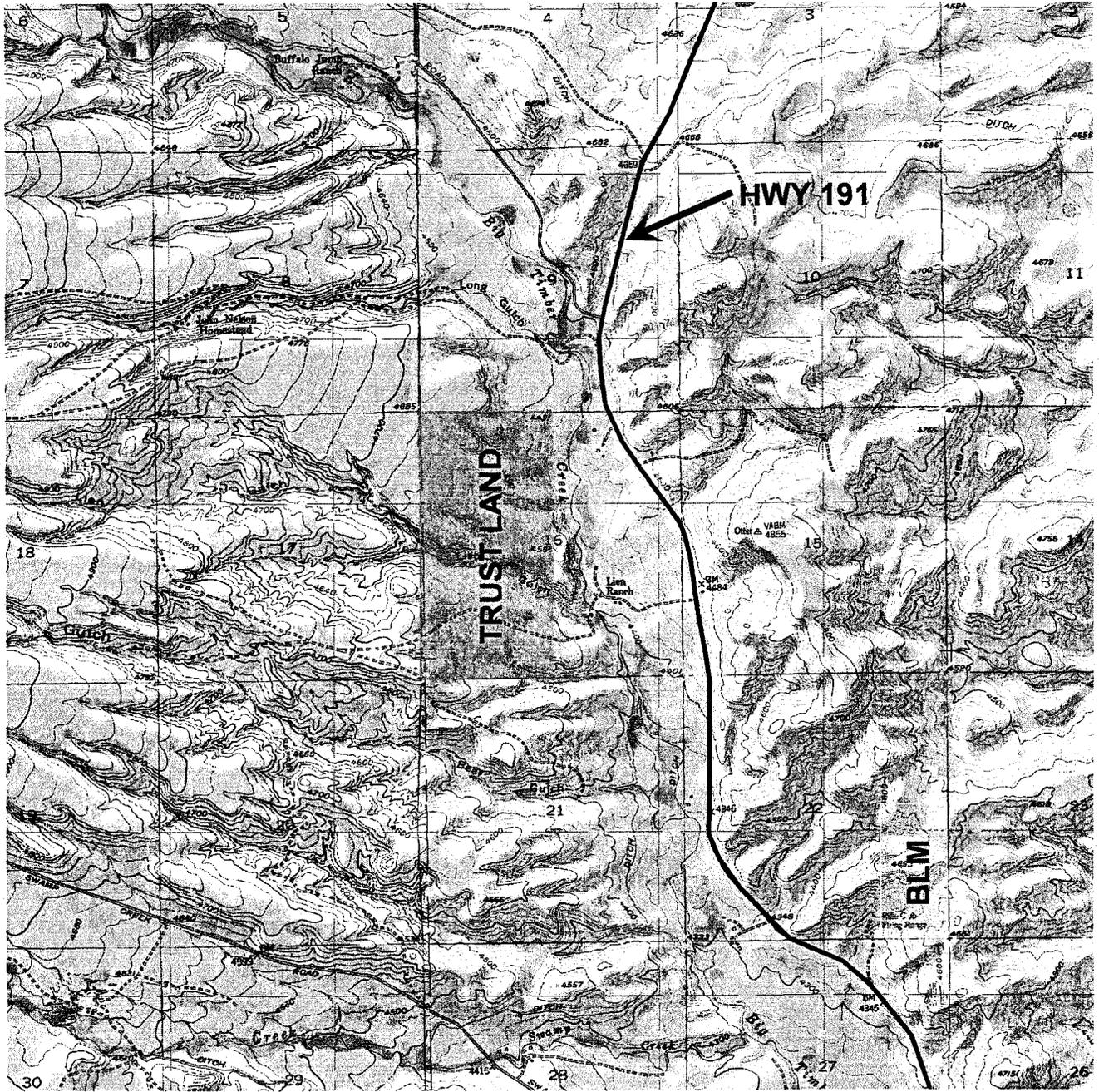
EIS
 More Detailed EA
 No Further Analysis

EA Checklist Approved By:	Name: Jeff Bollman	
	Title: Area Planner, Southern Land Office	
Signature:		Date: 20 February 2008

Attachment A – Area Map



Attachment B – Property Map



Attachment C – List of Persons Notified in S. Tucker Johnson Land Banking Scoping Process

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