

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Mushaben Land Banking Tract
Proposed Implementation Date:	Fall 2008
Proponent:	Paul Mushaben (Grazing Lessee)
Location:	Sale #38: SE¼SE¼ of Section 24 , Township 3 North, Range 26 East (40 acres)
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

Offer for sale at public auction, 40 acres of State Land that is currently held in Trust for the benefit of Common Schools. Revenue generated from the sale of this parcel will 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 will 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 letter soliciting comments and explaining the proposed sale was sent to property owners adjoining the state parcel and other interested parties on 5 October 2007 and requesting that comments be submitted on the proposal by 16 November 2007. A complete list of individuals contacted is included on Attachment C of this EA.

A legal notice was published in the Billings Gazette on 10 October 2007 requesting that comments be submitted on the proposal by 16 November 2007.

No comments were received during the public scoping period.

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

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Offer 40 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.

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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

- *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.

No impact since the current grazing use is expected to continue. The subject lot mainly contains clay loam soils and if a future owner were to develop the property the soils could present limitations in building construction because of shrink-swell potential and also in the location of septic systems due to slow water movement.

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.

An intermittent waterway, Crooked Creek, runs from west to east bisecting the property. There are no developed water uses on the property. The existing grazing use is expected to continue; therefore no adverse impacts to water quality, quantity or distribution 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.

No Impact. The existing use is expected to continue.

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 effected 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.

This parcel of Trust Land is used by a variety of wildlife species typical of use on undeveloped land throughout Yellowstone County. Wildlife populations can be affected by land use activities associated with livestock grazing, residential development or agricultural practices. A variety of wildlife species including antelope, mule deer, fox, coyote and numerous non-game birds use the tract during various times of the year. The existing 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 one vertebrate animal listed as a species of concern, threatened species, or endangered species: greater sage-grouse. Greater sage-grouse is listed as a sensitive species and is 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. Since 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 paleontological resources will be carried out 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.

No Impact. 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.

No Impact. 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.

This 40 acre tract is part of a second round of proposed sales of Trust land throughout the state and under concurrent analysis. 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.

IV. IMPACTS ON THE HUMAN POPULATION

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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 implementation of the proposed action will not have a significant impact on human health and safety.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

No Impact. The existing grazing use is expected to continue.

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.

No Impact. The existing use is expected to continue.

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 Yellowstone 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

No Impact. The existing use is expected to continue.

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.

Implementing the proposed action would not conflict with the 2003 City of Billings-Yellowstone County Growth Policy. In addition, the property is not within the Yellowstone County Zoning jurisdiction or in a Special Zoning District, so it is unzoned.

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 parcel presently has legal public access on its south side where it adjoins Mailbox Road, a county road. However, this parcel is relatively small, 40 acres, and does not offer any unique recreational or hunting opportunities. There are other Trust lands and BLM land in this area that have legal public access and could be utilized by the general public. Therefore implementation of the proposed action is not expected to have a significant adverse impact on access to and quality of recreational and wilderness activities.

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.

No Impact. The existing use is expected to continue.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

The implementation of the proposed action will not have a significant impact on social structures and mores.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Implementation of the proposed action will not have a significant impact on cultural uniqueness and 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.

This 40-acre parcel currently has a grazing lease for 9 Animal Unit Months (.225 acres/AUM) at a rate of \$6.18/AUM. The total income generated from the tract was \$55.62 or approximately \$1.39/acre in 2008. The average annual income for the past 5 years has been \$54.36 or \$1.36/acre. Based on the DNRC Annual Report for Fiscal Year 2007, the average income for the 4.3 million acres of grazing land was \$1.83/acre with an average productivity of .258 acres/AUM. Therefore, this tract is considered below average in productivity and producing below average revenue per acre.

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 Board of Land Commissioners 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 \$1,000/acre, the current annual return on the asset value for this tract is 0.139%.

EA Checklist Prepared By:	Name: Jeff Bollman, AICP	Date: 20 March 2008
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended that the parcel receive preliminary approval for sale and continue with the Land Banking process.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

DNRC did not receive any comments regarding the potential sale of this parcel, except for the lessee verbally expressing a desire to purchase the property from the State. The tract 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 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 40-acre tract will not result in any significant effects to the human or natural environment.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

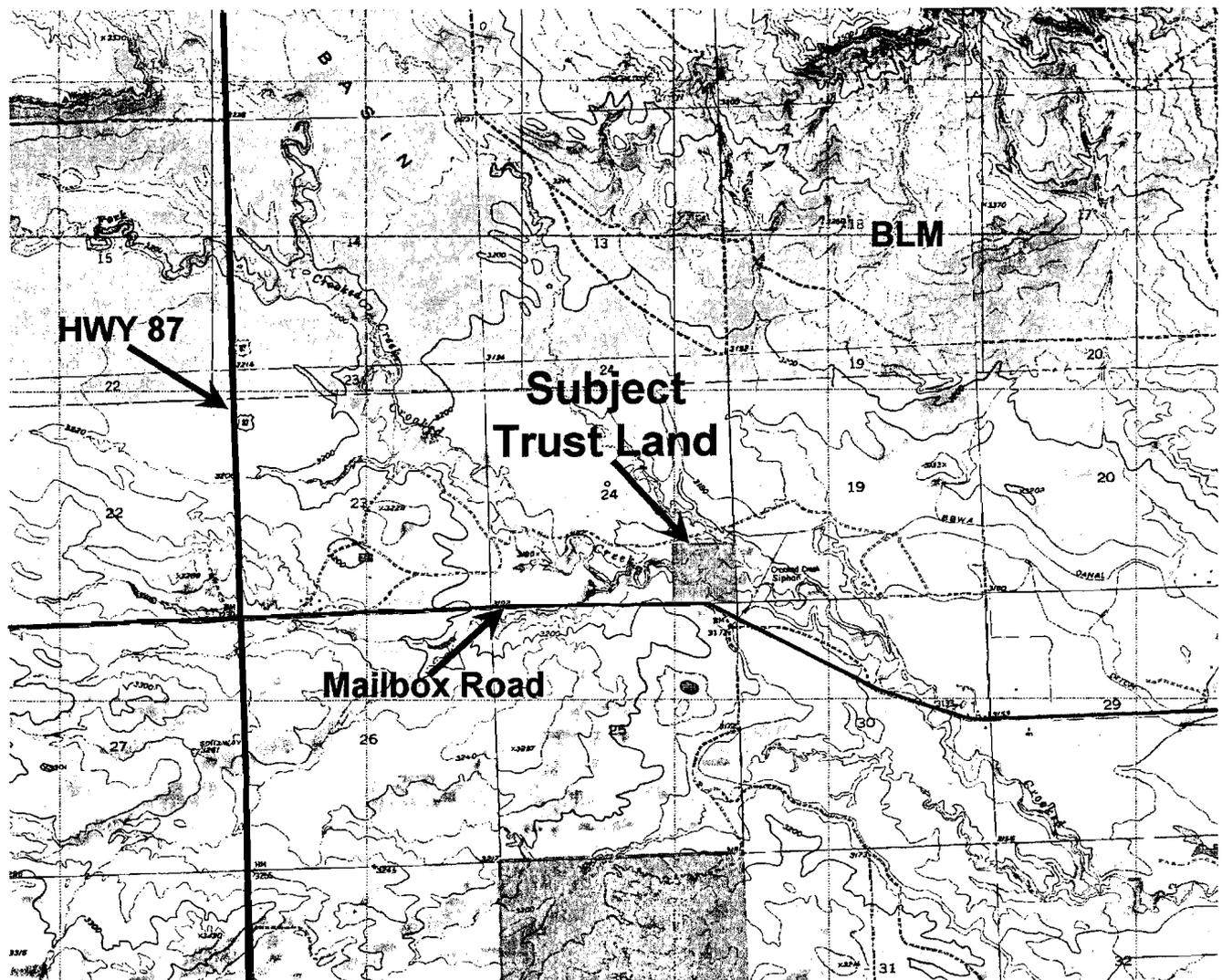
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More Detailed EA

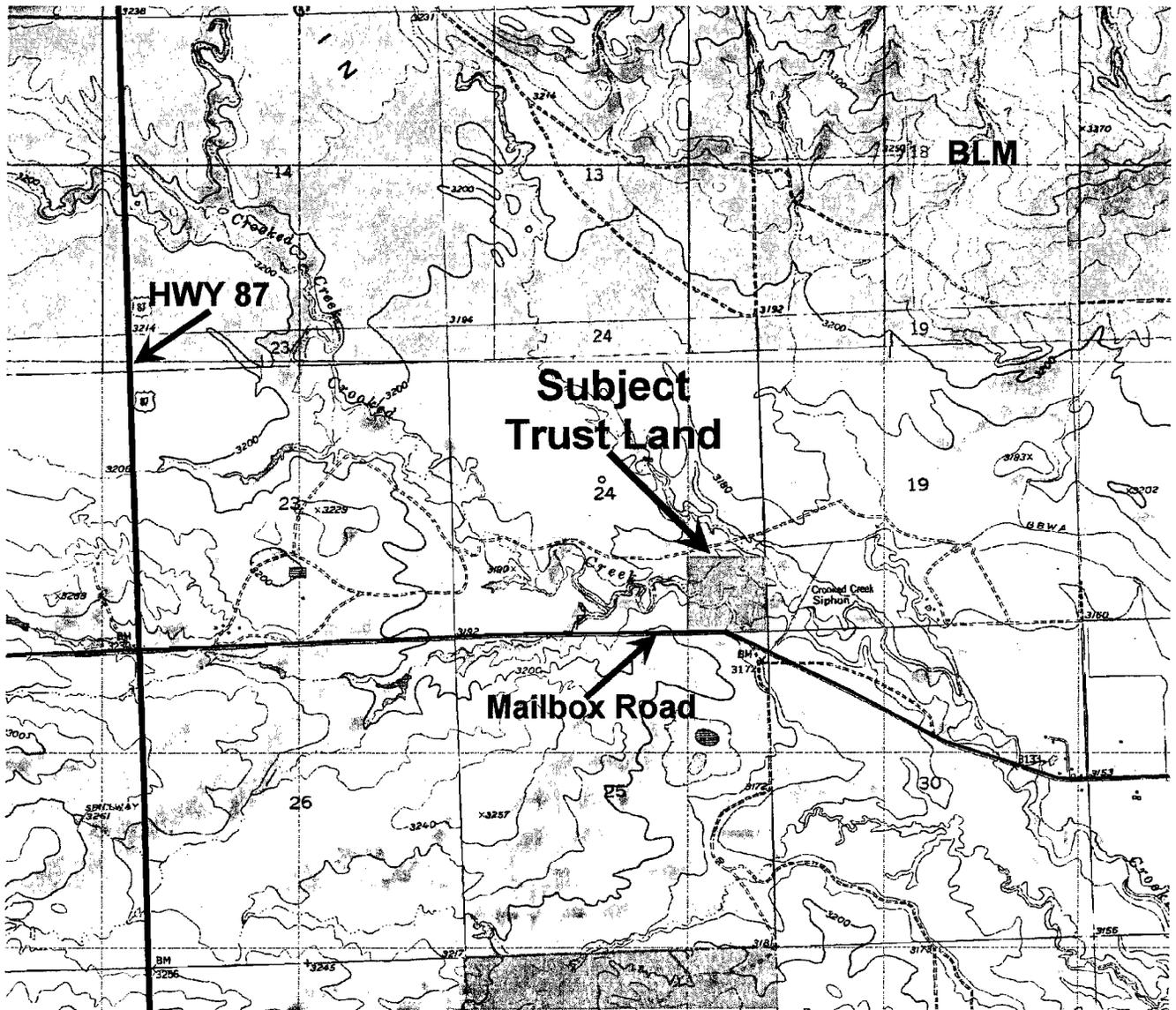
No Further Analysis

EA Checklist Approved By:	Name: Richard A. Moore
	Title: Area Manager, Southern Land Office
Signature: <i>Richard A. Moore</i>	Date: 3-21-2008

Attachment A – Area Map



Attachment B – Property Map



Attachment C – List of Persons Notified in Mushaben Land Banking Tract Scoping Process

Anne Hedges
Montana Environmental
Information Center
PO BOX 1184
HELENA, MT 59624

NANCY SCHLEPP
MT FARM BUREAU
FEDERATION
502 SOUTH 19th, SUITE 4
BOZEMAN, MT 59715

Ray Marxer
Matador Cattle Co.
9500 Blacktail Road
Dillon, MT 59725

Bill Orsello or Stan Frasier
MONTANA WILDLIFE
FEDERATION
PO BOX 1175
HELENA, MT 59624

Jeanne Holmgren
DNRC
P.O. Box 201601
Helena, MT 59620-1601

Rosi Keller
University of Montana
32 Campus Drive
Missoula, MT 59812-0001

Bob Vogel
Montana School Boards
Association
One South Montana Avenue
Helena, MT 59601

Leslie Taylor
MSU Bozeman
P.O. Box 172440
Bozeman, MT 59717

Kathy Bramer
Montana Office of Public
Instruction
PO Box 202501
Helena, Montana 59620-2501

ELLEN ENGSTEDT
MONTANA WOOD PRODUCTS
PO BOX 1149
HELENA, MT 59624

JANET ELLIS
MONTANA AUDUBON
PO BOX 595
HELENA, MT 59624

US Fish and Wildlife Service
2900 - 4TH AVENUE NORTH,
ROOM 301
BILLINGS, MT 59101-1266

Harold Blattie
Montana Association of Counties
2715 Skyway Drive
Helena, MT 59601

Yellowstone County
Board of County
Commissioners
PO Box 35000
Billings, MT 59107

Gary Hammond, Regional
Supervisor
Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

John Gibson
3028 Avenue E
Billings, MT 59102

Tom Madden
RE/MAX of Billings
1250 – 15th Street West
Billings, MT 59102

A.J. Micheletti
Yellowstone Co.
Superintendent of Schools
P.O. Box 35022
Billings, MT 59107

JACK ATCHESON, SR.
3210 OTTAWA
BUTTE, MT 59701

Daniel Berube
27 Cedar Lake Drive
Butte, MT 59701

Hilda Van Driest
2600 Mailbox Road
Shepherd, MT 59079

Esther Fishbaugh & Gloria
Dibbern
11024 West Abbott Road
Cairo, NE 68824

Paul & Janell Mushaben
5201 – 21 Mile Road
Broadview, MT 59015

Katherine Haaland, Trustee
6817 Frey Road, Apt. 3
Shepherd, MT 59079