CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Cayuse Hill Land Banking Sale
Proposed Implementation Date:	Spring 2011
Proponent:	Montana DNRC
Location:	SW1/4, Section 22, T15N - R22W
County:	Missoula County

I. TYPE AND PURPOSE OF ACTION

Offer for sale at public auction, 160 acres of state land currently held in trust for the benefit of the MSU 2nd Grant Trust (see Attachment A – map). Revenue generated from the sale of this parcel would be deposited in a special account used to purchase replacement lands meeting acquisition criteria related to legal access, productivity, potential income generation and potential for multiple use. The new parcel/parcels would then be held in trust for the benefit of the MSU 2nd Grant Trust. 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. The purpose of this program is to allow the Department of Natural Resources and Conservation to dispose of parcels that are primarily isolated and produce low income and 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 timberlands, which typically produce greater return on investment.

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, requesting comments be submitted by April 10, 2008, was sent to interested parties including adjacent landowners, the Missoula County Commissioners, Land Board members, legislators, government agencies, special interest groups and others. A complete list of the individuals contacted is included as Attachment B of this EA.

A public notice was published in the Missoulian on March 11, 2008, Mineral Independent and the Clark Fork Valley Press on March 12, 2008 requesting comments be submitted by April 10, 2008.

Based on comments received in scoping and follow-up conversations with the Montana Department of Fish Wildlife and Parks (FWP), and the Ninemile Wildlife Working Group, DNRC is looking at analysis for the sale of the property with added deed restrictions on the density and location of potential development as well as incorporation of “wildlife friendly” covenants. These additions are intended to provide greater assurances of reduced impacts to both wildlife movement and big game winter range in the event the property is sold and a subsequent owner proposes to develop the property. As an alternative, DNRC is analyzing the parcel for sale with development restrictions that would restrict development to four (4) dwelling units on the 160 acre parcel for a maximum density of one (1) dwelling unit per forty (40) acres as recommended by the Missoula County Comprehensive Plan’s land use designation. There is also a No Build Zone consisting of 118 acres and a building envelope of 42 acres to mitigate development in the wildlife corridor (seeAttachment D). Furthermore, if the land is subdivided, it would be reviewed under the Missoula County subdivision process and agency comments could further mitigate wildlife impacts.

The Ninemile Working Group and Missoula County Rural Initiatives on behalf of the Open Lands Advisory Committee have requested that DNRC analyze the sale of the parcel (letter dated September 9, 2009) with an additional alternative to sell the development rights prior to the sale of the parcel under Land Banking.

As requested, purchasing the development rights is an option but it cannot occur as an alternative unless the following two conditions were met: The Open Lands Advisory Committee or partner is agreeable to pay DNRC the cost of an appraisal upfront to determine the value of the development rights; The remaining property rights left after sale of the development rights would be acceptable to a potential buyer for purchasing the remaining fee title. A deadline of November 20, 2009 was set to submit an application to DNRC in the form of a letter of interest. DNRC did not receive a letter of interest to purchase development rights and therefore the alternative is not viable.

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

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative A: Offer 160 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 the MSU 2nd Grant Trust. If a sale is consummated, the State would not be able to control the type of future development or activities that could occur on the surface estate. However, per M.C.A. 77-2-304 the State would retain the subsurface mineral rights. The land sale would further restrict development to 4 lots (consistent with Missoula County Growth Plan) and limit development, including access roads, to a specified development envelope to reduce potential adverse impacts to use of the area as a wildlife movement corridor. The restrictions will be addressed in the Wildlife Covenants (Sections 10 and 11) filed with the Missoula Clerk and Recorder prior to the sale of the parcel and be written into the deed restrictions or covenants.

No Action Alternative: Defer inclusion of this tract in the Land Banking Program. Maintain state ownership of this parcel and continue to manage the property for revenue to the M.S.U. 2nd Grant.

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 sites with unique geology or unstable slopes were identified on the parcel proposed for exchange. Predominant soils are (MU 130) Winkler very gravelly loams on 8 to 30 percent slopes on the gently sloping hilltop (see Attachment C – soil map). These are well drained soils that tend to be droughty and support mixed conifer stands of Douglas-fir and Ponderosa Pine. Erosion potential is low to moderate on these soils with gentle slopes. Winkler very gravelly loams on 30-60 percent slopes (MU 133) occur along a narrow band in the southwest corner of the property, where there is potential as a rock source. The steeper slopes have limitations for road construction and septic installation. Historic management has been selective timber harvest and grazing of range sites. No cumulative effects of timber harvest are apparent. The existing access road along the western boundary is a low standard road. No EPA Toxic Release Sites or DEQ Remediation sites are located on this parcel. No soil disturbance activities are planned as part of this action.

There would be low risk of direct, indirect and cumulative impacts to geology and soil quality, stability and moisture as a result of implementing the proposed action compared to the no-action 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.

This parcel of land is located approximately 3 miles west of Huson, Montana. Cayuse Hill forms the physical boundary between the Sixmile Creek and Ninemile Creek watersheds. No streams, surface water features, water points of use or water rights occur on this DNRC parcel. The nearest developed water right is a domestic well in NENW Section 27, T15N, R22W. Any proposed water rights uses on the parcel proposed for sale, would require application and evaluation for a beneficial water use through the permit process administered by the DNRC Water Rights Bureau. No pollution related impairments have been identified for this area. For these reasons, there is no risk of direct, indirect or cumulative effects to water quality or beneficial uses anticipated with implementation of either the Action or No-Action Alternative on this parcel.

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.

This parcel of land is located approximately 20 miles northwest of Missoula, Montana at the western end of the Missoula valley. The parcel is located within Airshed 3A and is along the western boundary of the Missoula Impact Zone. Management of air quality within the Missoula Impact Zone is important as it encompasses a major population center of the state.
Sale of this parcel is not expected to cause any direct or cumulative effects to air quality.

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.

This parcel is forested with Douglas-fir and ponderosa pine trees. The state land classification is Class 2 - Classified Forest - “lands which are principally valuable for the timber that is on them or for the growing of timber or for watershed protection” 77-1-401 (2) MCA. Records indicate commercial timber harvest has occurred in the past. Currently timber is present in commercial quantities. A cruise of the property (completed in 2007) estimated a net saw timber volume of 760 thousand board feet (MBF).

Implementation of the Action Alternative, sale of property, would not have direct or cumulative effects upon the timber stand.

Noxious weeds, principally Spotted knapweed (*Centauria maculosa),* occur throughout the area across all ownerships, including the DNRC parcel, although in lower density due to the forest overstory. There would be minimal if any change in noxious weeds with the proposed action.

A records search of the Montana Natural Heritage Program database for this Township (T15N-R22W) did not reveal the presence of any plant species of special concern.

No direct or cumulative effects are expected to occur to vegetation as a result of the action proposals.

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.

Wildlife Linkage Zone

Public comment has raised the issue regarding the importance of the Cayuse Hill area as a wildlife linkage zone, also known as a travel corridor. The Ninemile linkage area provides for north-south movement from the

Ninemile and Reservation Divides across Interstate 90 to the Petty Creek area. Comments from the Ninemile Wildlife Movement Areas Workgroup, American Wildlands, Montana Fish, Wildlife & Parks, and Missoula County Rural Initiatives (see project file for comments) each discussed the importance of Cayuse Hill as a conduit for many species of wildlife, including grizzly bears, white-tailed deer and elk, to navigate around residential developments and travel to, and across, the Clark Fork River without crossing Interstate 90. Additional comments from American Wildlands also indicated that the Ninemile linkage area, of which Cayuse Hill is a part, was rated as one of the top five linkage areas in northern Idaho and northwestern Montana.

The affected parcel is located along a ridge, and near two prominent draws that funnel to adjacent federal land and to the Clark Fork River, avoiding subdivisions along the way. Additionally, adjoining parcels contain private forestland and ranchland along the same ridge system.

No Action Alternative
Under this alternative, no change from current condition would be expected.

Proposed Alternative A:
Under the proposed action, the affected parcel would be auctioned and sold to the highest bidder.The land sale would restrict development to four (4) lots (consistent with Missoula County Growth Plan) and limit development, including access roads, to a specified development envelope to reduce potential adverse impacts to use of the area as a wildlife movement corridor. To mitigate the potential for impacts to wildlife from potential development of the parcel in the future, a set of deed restrictions (see Attachment E) and a 118 acre No Build Zone (see Attachment D) would be filed with the Missoula County Clerk and Recorder. The deed restrictions would: (1) limit development to 4 single residences, with the possibility for out-buildings; (2) regulate food attractants; and (3) allow enforcement of the deed restrictions by DNRC, Montana Fish, Wildlife & Parks, the U. S. Fish and Wildlife Service, and Missoula County. The No Build Zone was identified to reduce potential impacts to wildlife movement along a draw on the west side of the parcel, and to promote firewise development in areas on the parcel with lower timber stocking. Additionally, a north-south road currently exists that accesses the parcel along the west side; from which road could be built to directly access the two building envelopes. By limiting development to four (4) single residences, regulating food attractants, and designing the No Build Zone such that development would be distant from the most likely travel area on the parcel (the draw on the parcel's west side), this proposed alternative would likely have low to moderate risk of direct, indirect and cumulative effects to wildlife movement, should development occur. Should development not occur, there would likely be low risk of direct, indirect, or cumulative effect to the wildlife linkage zone from the proposed action.

Big Game
There is concern that the proposed action would reduce: (1) big game security, (2) habitat availability, and (3) the ability of Montana Fish, Wildlife & Parks and the general public to access and manage a burgeoning elk population. Additionally, the affected parcel is mapped as critical elk winter range and white-tailed deer winter range.

While the parcel is largely adjacent to private land, with private, closed roads accessing home sites that are within 0.5 mile of the affected parcel, following the Hillis paradigm (Hillis et al. 1991), the parcel's 160 acres would be considered elk security habitat. Surrounding land uses, livestock grazing and timber management, allow habitat on the affected parcel to be available to big game species, while adjacent private landowners restrict public access. Thus, there is available big game habitat both within the affected parcel and along the Cayuse hills, but no public access to hunt big game.

No Action Alternative
Under this alternative, with no sale of the affected parcel, and no action from Montana Fish, Wildlife & Parks to acquire hunter access, no change from current condition would be expected.

Should the parcel remain as school trust land, and should Montana Fish, Wildlife & Parks find a willing cooperator, FWP could use Access Montana monies to acquire public access to the affected 160 acre parcel for hunting, as discussed in their public comments (Montana Fish, Wildlife & Parks, 10 April 2008, see project file). Under this scenario, any road easement which FWP would acquire for public access may result in the loss of elk security habitat, particularly if the road is < 0.5 mile from the project area. Under this scenario of the no action alternative, there may be moderate risk of direct, indirect, and cumulative effects to big game security, while

maintaining habitat availability and increasing the ability of the public to access and manage a burgeoning elk population. There would be low risk of direct, indirect, or cumulative effects to critical elk winter range and white-tailed deer winter range from this scenario of the no action alternative.

Proposed Alternative A:
The proposed action would auction the affected parcel for sale to the highest bidder, and the land sale would further restrict development to 4 lots (consistent with Missoula County Growth Plan) and limit development, including access roads, to a specified development envelope to reduce potential adverse impacts to use of the area as a wildlife movement corridor. To mitigate the potential for impacts to wildlife from potential development of the parcel in the future, a set of deed restrictions (see attached) and a 118 acre No Build Zone (see attached map) would be filed with the Missoula County Clerk and Recorder. Such action would likely put the parcel in private holdings and remove the possibility of using Access Montana funds for public hunting access to the affected 160 acre parcel. Other options for public access are available, should FWP be able to enroll the affected parcel and other adjoining private lands into the Block Management program. Thus, there would likely be little difference between the proposed action and the no action alternative for obtaining public access for big game management.

The proposed action only includes the direct sale of the affected parcel; no subdivision or other use has been proposed. Potential for residential development would be limited to 4 residences, and is described under the Wildlife Linkage Zone. As such, the direct sale of the affected parcel should have minimal effect on big game security and habitat availability. However, should development occur, habitat availability would likely be reduced slightly by the building envelopes, but there would likely be only minimal reductions in security habitat because the proximity of residences may preclude firearm use for safety reasons.

Post-sale, should legal access to the affected parcel be perfected, and development (e.g., subdivision.) occur, there would likely be low to moderate risk of direct, indirect, and cumulative effects to big game security, habitat availability, the ability to manage this big game population, and winter range. However, such action is not proposed at this time, and would be subject to subsequent review at the County or state (DEQ) level. The proposed action of selling the affected parcel would likely have low risk of direct, indirect, and cumulative effects to big game security, winter range, habitat availability, and the ability to manage this big game population.

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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.

Grizzly Bear (federally threatened)
In the past, grizzly bears occupied and used the Ninemile valley. Most recently, a bear had been radio-collared and monitored. Monitoring of this bear indicated that the Cayuse Hills ridgeline was part of a regularly followed route, which would be used to circumvent crossing Interstate 90, on its way across the Clark Fork River (J. Jonkel, Montana Fish, Wildlife & Parks, personal communication, 16 April 2008). This bear would also bed on the affected parcel. Because this route has access to the Ninemile and Reservation Divides, is able to provide safe passage under Interstate 90, and the extensive travels back and forth between the Clark Fork River and the upper Ninemile and Sixmile drainages by the monitored bear, many grizzly bear biologists believe the Ninemile linkage area is the best opportunity for grizzly bears to naturally colonize the Bitterroot Ecosystem (J. Jonkel, Montana Fish, Wildlife & Parks, personal communication, 16 April 2008). Due to multiple conflicts with people, the previously monitored grizzly bear was removed from the population. Currently, there are several unverified reports of grizzly bears in the Ninemile Valley (J. Jonkel, Montana Fish, Wildlife & Parks, personal communication, 16 April 2008).

No Action Alternative
Under this alternative, no change from current condition would be expected.

Proposed Alternative A:
As previously described, the proposed action would sell the affected parcel to the highest bidder at auction, restrict development to 4 lots and limit development, including access roads, to a specified development envelope, while also placing wildlife-friendly deed restrictions to reduce wildlife attractants (see attached). The

No Build Zone was identified to reduce potential impacts to wildlife movement along a draw on the west side of the parcel, and to promote firewise development in areas on the parcel with lower timber stocking. Because of the parcel's isolation (DNRC does not currently have legal access), subdivision could not occur unless legal access to the parcel is perfected. Until that time, the parcel would likely continue to serve as a route for grizzly bears, while current uses (timber and grazing) continue. Under these circumstances, there would likely be low risk of direct, indirect, or cumulative effect to grizzly bears from the proposed action.

Should legal access be perfected to the affected parcel post-sale, and development (e.g., residential) be proposed, other government entities (e.g., County, DEQ, etc.) would have the opportunity to review and provide input into the development and/or approval or denial of any plans. Because the proposed deed restrictions, placement of the No Build Zone, and limitation of 4 single residences were designed to mitigate the effects development may have on grizzly bear, and other wildlife, movement, effects to grizzly bears may be reduced. Thus, under a scenario where legal access to the affected parcel would be perfected, development of up to 4 residences would be established, and grizzly bears seek to utilize the affected parcel as part of a travel route, there could be low to moderate risk of direct, indirect, and cumulative effects to grizzly bears due to potential encounters with attractants (e.g., garbage, bird feeders, etc.).

Wolves (federally endangered)
The edge of the Ninemile wolf pack's territory is within 5 miles of the affected parcel. This pack has had problems with livestock and pets in the past, and may continue into the future.

No Action Alternative
Under this alternative, no change from current condition would be expected.

Proposed Alternative A:
The Ninemile wolf pack has had a fairly well defined and stable territory for the last several years (see figure 2 in past annual wolf reports: http://www.fws.gov/mountain-prairie/species/mammals/wolf/). Exploratory movements to the project area could be expected. Through implementation and enforcement of the deed restrictions (e.g., restricting food attractants, No Build Zone, etc.), potential development of the parcel in the future would likely have minimal effects to gray wolves. However, with residential development, there would be potential for domestic dogs with the houses. As such, there could be potential conflict between wolves and domestic dogs. Much of the Ninemile pack's past problems, however, were largely due to interactions with livestock, although, the pack has occasionally killed domestic dogs in the past. Given past residential development within the pack's territory, there would likely be low risk of direct, indirect, or cumulative effects to wolves as a result of the proposed action.

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10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

It is currently unknown if cultural or paleontologic resources are present in the parcels nominated for sale through the Land Banking Program. However, a Class III inventory for Antiquities will be conducted prior to disposition of any of these tracts.

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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 property is located on a major forested ridge that is visible from the Clark Fork River valley and Interstate Highway (I-90) in the vicinity of Huson, MT. A heavy timber harvest would have the potential to change the appearance of the property. Adjacent private land in Section 27 (along this same ridge) was selectively logged approximately 20 years ago.

No direct or cumulative impact to aesthetics is anticipated as a result of the proposed actions (sale of the property).

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.

This 160 acre parcel of school trust land represents a fraction of the 5.2 million acres of trust land statewide. State law and administrative rules limit the sale of trust land to a maximum of 20,000 acres prior to purchasing replacement lands. The potential sale of this parcel would affect an extremely small percentage of the school trust lands if replacement land was not purchased before the statute expires and even less impact if replacement land is purchased as anticipated.

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

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.

A cooperative effort between conservation groups (American Wildlands, Ninemile Wildlife Working Group ...) and some government agencies (USFWS, USFS, DFWP, MDOT, Missoula County Rural Initiatives…) to identify wildlife linkage zones and movement corridors along the Interstate 90/Clark Fork River Corridor west of Missoula is ongoing. This study has identified a linkage zone/movement corridor that includes the DNRC property proposed for sale (see Sections 8 & 9 above for further information).

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.

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

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:
Identify how the project would add to or alter these activities.

The DNRC property has been managed for the long term production of forest products. The most recent DNRC timber harvest was in 1982 and involved the removal of approximately 200 MBF of sawlogs (approximately 45 log truck loads). DNRC does not have permanent access to the parcel and has operated under temporary access arrangements. The current timber stand has sufficient volume to allow for a commercial timber harvest, although the trees are not in dire need of immediate treatment.

Adjacent land uses include rural residential, forest production, grazing, and gravel extraction. Some adjacent land is in large ranches where seclusion and privacy are important amenities for the owners.

Sale of the property would not likely change the industrial, commercial and agricultural uses of the property. Limitations on potential development would occupy only a small footprint and remaining lands would likely be managed for traditional uses.

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 effect on quality and distribution of 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.

Currently the parcel is state-owned and is not assessed taxes. Sale of this land would add additional property to the Missoula County tax base, thus increasing revenue to the county. Estimated tax revenue would be approximately $250.00 per year.

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 sale is within the Frenchtown Fire District. Wildland fire protection responsibility is with the Lolo National Forest. The parcel is within both the Frenchtown Elementary and High School Districts. The sale of the property would not cause any increased demand for government services.

If sold, there is potential for development of one single family dwelling without county subdivision approval. Having one dwelling could provide a minor addition to the demand on local government services. Additional subdivision with a maximum density of four (4) dwelling units of the property would be subject to review under state and local regulations.

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 parcel is unzoned. The1975 Missoula Comprehensive Plan designates the parcel as Open and Resource with a land use designation of one (1) dwelling unit per 40 acres which calculates to a maximum density of four (4) lots on the parcel. The DNRC manages State Trust Lands for residential development under the Real Estate Management Plan 2005. The Plan defines residential development as a density of one residential unit per 25 acres or less or by allowing development on more than 25% of the parent parcel. If the density exceeds 25% of the parcel or is denser than 1 dwelling unit per 25 acres, then the development counts towards the threshold caps for development in the Real Estate management Plan.

As a condition of the proposed sale of this property, DNRC will restrict the development of the state land parcel to limit subdivision and exemptions to subdivision review allowing for four (4) dwelling units (1975 Missoula Comprehensive Plan) in a designated 42 acres building envelope. The restrictions will be addressed in the wildlife covenants filed with the Missoula Clerk and Recorder prior to the sale of the parcel and be written into the deed restrictions or covenants.

Under the Real Estate Plan, a density of six (6) lots would be allowed without being counted towards the rural development threshold caps in the Real Estate Plan. Since there is a No Build Zone of 118 acres for wildlife concerns, only 42 acres are remaining for the potential four (4) lot development. This meets the Real Estate Plan guidelines for not being considered as development because the density at 1 dwelling unit per 40 acres is more stringent that the Plans definition of 1 dwelling unit per 25 acres.

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.

As this parcel is limited in size (160 acres) and surrounded by private property, it provides little in the way of recreational opportunities for the public and does not provide access to any other lands open to recreation.

One of the goals of Land Banking is to improve public access to state trust land. Revenue generated from this proposed sale would go into the state land banking fund to be used for the purchase of other lands meeting the goals of the program.

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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 potential sale of this parcel would not require additional housing or change population. It is unknown what land uses would occur under new ownership. Any future proposal to develop the property would be subject to review under state and local regulations.

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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 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 changes.

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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.

The parcel is classified forest land (principally valuable for timber or for the growing of timber or for watershed protection 77-1-401MCA). The property was acquired from the federal government in 1895 (clear list) for support to the Agricultural College (MSU) 2nd grant. Due to it's location at the western end of the Missoula Valley the property currently has value for rural residential development.
The land is moderately stocked with a sawlog-sized trees between 80 – 110 years old. Primary tree species are ponderosa pine (80%) and Douglas-fir (20%). Current net merchantable timber volume on the tract is estimated at 760 MBF (thousand board feet) or approximately 5 thousand board feet per acre.
Average annual precipitation is approximately 18" per year. Soils are gravelly with limited soil moisture holding capacity (drouthy). Slopes are fairly gentle and well suited to ground based (tractor) harvest systems. Overall the site has a low to moderate productivity potential for growing trees (30-50 cubic feet/acre/year).

Due to of a lack of legal access, management has been conducted as opportunities arise. The most recent timber harvest occurred in 1982 – 1986 at which time sawlog and pulp material was removed in a commercial thinning operation. An easement was granted to US West for a telephone line in 1924.

Overall the parcel is average to slightly below average in forest productivity and below average in revenue return. The parcel is surrounded by private property and does not have legal access. If retained in state ownership there is no indication this parcel would be used for purposes other than forestry in the future and the prospects for future revenue would be less than average.

An appraisal of the property has not been completed. It is reasonable to expect an additional harvest of approximately 200 MBF (1,400 tons) in the next 20 years. Anticipated revenue from this harvest (in year 15) would be approximately $15/ton and would total $21,000. Assuming an appraised property value of $448,000 ($2800/acre) the expected annual income return from this parcel in the next 20 years is 0.23%. The appraisal would not be diminished due to deed restrictions.

Proposed Action Alternative:
Land Banking statutes require that land acquired as replacement property through Land Banking is "likely to produce more net revenue for the affected trust than the revenue that was produced from the land that was sold" (Section 77-2-364 (4) MCA). Property targeted for acquisition could include agricultural or timber lands, with recreational potential or commercial potential.

EA Checklist Prepared By:	**Name:**	Elizabeth Mullins	**Date:**
	Title:	Land Use Planner	

V. FINDING

25. ALTERNATIVE SELECTED:

I have selected the proposed action alternative A with the prohibition of subdivision and exceptions to subdivision review for a maximum of four (4) dwelling units on a building envelope and wildlife deed restrictions as mitigations noted in items #8, 9 and #19. I recommend the parcel receive preliminary approval for sale and continue with the Land Banking process. The restrictions will be addressed in the wildlife covenants filed with the Missoula Clerk and Recorder prior to the sale of the parcel and be written into the deed restrictions or covenants.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have evaluated the comments received and potential environmental effects and have determined that significant environmental impacts would not result from the proposed land sale. The parcel does not have any unique characteristics; critical habitat or environmental conditions indicating the parcel should necessarily remain under management by the Department of Natural Resources and Conservation.

I believe the mitigation found under Section 8 and 9 UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: for a restriction on subdivision and exemption to subdivision allowing only four (4) dwelling units on the 160 acres, a no build zone, and wildlife reservations address the concerns for wildlife habitat. The mitigation under Section 19, LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS, for a restriction to four (4) dwelling units developed on the parcel, addresses concerns related to potential adverse impacts to development caps contained within the DNRC Real Estate Management Plan.

I have reviewed the comments and believe that all concerns have been adequately addressed under the appropriate headings.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

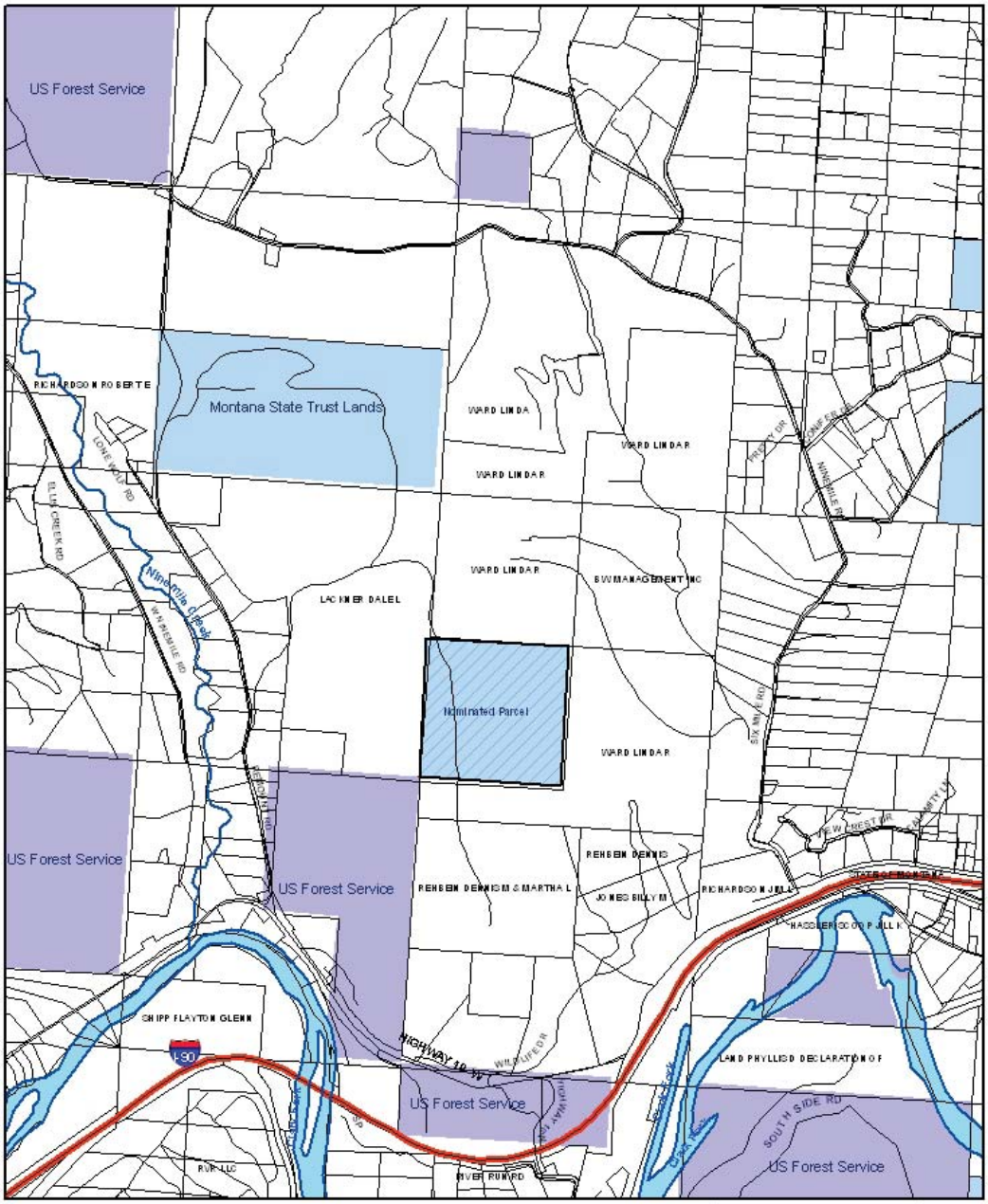
[ ] EIS [ ] More Detailed EA [x] No Further Analysis

EA Checklist Approved By:	**Name:**	Anthony L. Liane	
	Title:	Southwestern Land Office Area Manager	
Signature:	S/ Signature on File		**Date**:

Land Banking Nomination

Cayuse Hill for 160 Acres

15N 22W Sec 22 SW4



0.7 0.35 0 0.7 Miles

Prepared by Leah Erickson
10/30/08

Legend

- Roads
- I-90
- Selected Parcel 160 Acres
- Pub Owner
- OWNER_NAME
- Montana State Trust Lands
- US Forest Service

Gordon Hendrick, Representative House District 14
P.O. Box 262
Superior, MT 59872-0262

Jim Elliott, Senator District 7
100 Trout Creek Road
Trout Creek, MT 59874-9609

Ninemile Ranger District
20325 Remount Road
Huson MT 59846
attn Garry Edson, District Ranger

DNRC Staff
Mike O'Herron
Unit Manager
Jeanne Holmgren
Patrick Rennie/ Kevin Chappell-Grazing
Emily Cooper/John Grimm/Tom Konency
Janel Favero
John Grassy
Mike Mcgrath
Jeff Collins
Monte Mason
Tom Hughes

Missoula County

Missoula County Commissioners
Jean Curtiss, Chair
Bill Carey
Larry Anderson
200 West Broadway
Missoula, MT 59802-4292

Missoula Rural Initiatives
Pat O'Herron
200 Woody
Missoula, MT 59801

Chris Servheen
Grizzly Bear Recovery Office
Main Hall 309
University of Montana
Missoula, MT 59812

SWLO Interested Agencies

Jeff Hagener, Director
Dept. of Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

Mack Long
Dept. Of Fish, Wildlife & Parks
3201 Spurgin Road
Missoula, MT 59804

Sharon Rose
Dept. Of Fish, Wildlife & Parks
3201 Spurgin Road
Missoula, MT 59804

Department of Environmental Quality
1520 East 6th Avenue
Helena MT 59620

Environmental Quality Council
PO Box 201704
Helena, MT 59620-1704

Nancy Anderson
Bureau of Land Management
Missoula Resource Area
3255 Fort Missoula Road
Missoula, MT 59804

Tribal Historic Preservation Office
Confederated Salish and Kootenai Tribes
P. O. Box 278
Pablo, MT 59855

Jerry Sorenson
Plum Creek Timber Company LP
PO Box 1990
Columbia Falls, MT 59912

Montana Wilderness Association
P O. Box 635
Helena, MT 59624

Montana Audubon Council
Attn. Janet Ellis
PO Box 595
Helena, MT 59624

MonTRUST
P O. BOX 1111
Missoula Mt 59806

Five Valley's Land Trust
117 West Broadway
Missoula, Mt 59802

Rocky Mountain Elk Foundation
PO Box 8249
Missoula, Mt 59807-8249

Friends of the Wild Swan
PO Box 5103
Swan Lake, MT 59911

Jeff Juel, Ecoysystem Defencse
Wildwest Insititute
PO Box 7998
Missoula, MT 59807

Alliance for the Wild Rockies
P. O. Box 8731
Missoula, MT 59807

Jay Bodner, Natural Resources Director
Montana Stockgrowers Assn.
420 North California
Helena, MT 59601

Montana Smart Growth Coalition
Tim Davis
PO Box 543
Helena, MT 59624

Ric Smith, Chairman
Trout Unlimited
PO Box 7186
Missoula, MT 59807

Montana Environmental Information Center
Attn. Anne Hedges
PO Box 1184
Helena, MT 59624

Montana River Action Network
Attn. Donald Kern
PO Box 383

Helena, MT 59624

Montana Wildlife Federation
Attn. Dave Majors
3289 Wood Duck Lane
Stevensville, MT 59870

Western Montana Fish & Game Association
c/o Jim Clawson
11225 Windemere
Missoula, MT 59801

Montana Land Reliance
Attn Jay Erickson
PO Box 355
Helena, Mt 59624

Bruce Bugbee
American Public Land Exchange
125 Bank Street
Suite 610
Missoula, MT 59802

Stuart Lewin
615 3rd Avenue North
Great Falls, MT 59401

Louis E. Hawkes, Executive Director
Public Lands Access Assoc., Inc.
16 Cloninger Lane
Bozeman, MT 59715

Public Lands Access Assoc., Inc.
John Gibson
3028 Avenue E
Billings, MT 59102

Monte Cooper, President
Public Lands Access Assoc., Inc.
P. O. Box 3902
Bozeman, MT 59772-3902

Montana Coalition for Appropriate Management of State Lands
Attn Jack Atcheson
3210 Ottawa
Butte, MT 59701

Montana Coalition for Appropriate Management of State Lands

Attn Jack Jones
3014 Irene St
Butte, MT 59701

Hellgate Hunters & Anglers
PO Box 7792
Missoula, MT 59807

Greater Yellowstone Coalition
P.O. Box 1874
Bozeman, MT 59771

Foundation for North American Wild Sheep
720 Allen Ave.
Cody, WY 82414

National Wildlife Federation
Attn Rich Day
240 N Higgins Ave
Missoula, MT 59802

Defenders of Wildlife
140 S. 4th St. W.
Missoula, MT 59801

Montana Bowhunters Association
4503 Barbara Lane
Missoula, MT 59803

Land Board Members

Brian Schwietzer, Governor
c/o Mike Volesky
PO BOX 200801
State Capitol
Helena, MT 59620-0801

Brad Johnson, Secretary of State
c/o Jeff Garrard
P.O. Box 202801
Helena, MT 59620-2801

John Morrison, State Auditor
c/o David Van Nice
840 Helena Ave
PO Box 4009
Helena, MT 59604-4009

Linda McCulloch, OPI Superintendent
c/o Rusty Harper
1227 11th Ave
PO Box 202501
Helena, MT 59620-2501

Mike McGrath, Attorney General
c/o Jennifer Anders
215 N. Sanders
PO Box 201401
Helena, MT 59620-1401

MSU 2nd Grant - Beneficiary	Leslie Taylor Montana State University P.O. Box 172440 Bozeman, MT 59717-0001

Bureau Scoping Agency List-SCOPE ALL

FWP	Dept of Fish, Wildlife & Parks Attn: Hugh Zacheim PO Box 200701 Helena, MT 59620-0701
DEQ	Dept. of Environmental Quality Attn: Tom Ellerhoff PO Box 200901 Helena, MT 59620-0901
MT DOT	Dept of Transportation Attn: Shane Mintz PO Box 201001 Helena, MT 59620-1001

NEGOTIATED RULEMAKING COMMITTEE-SCOPE ALL

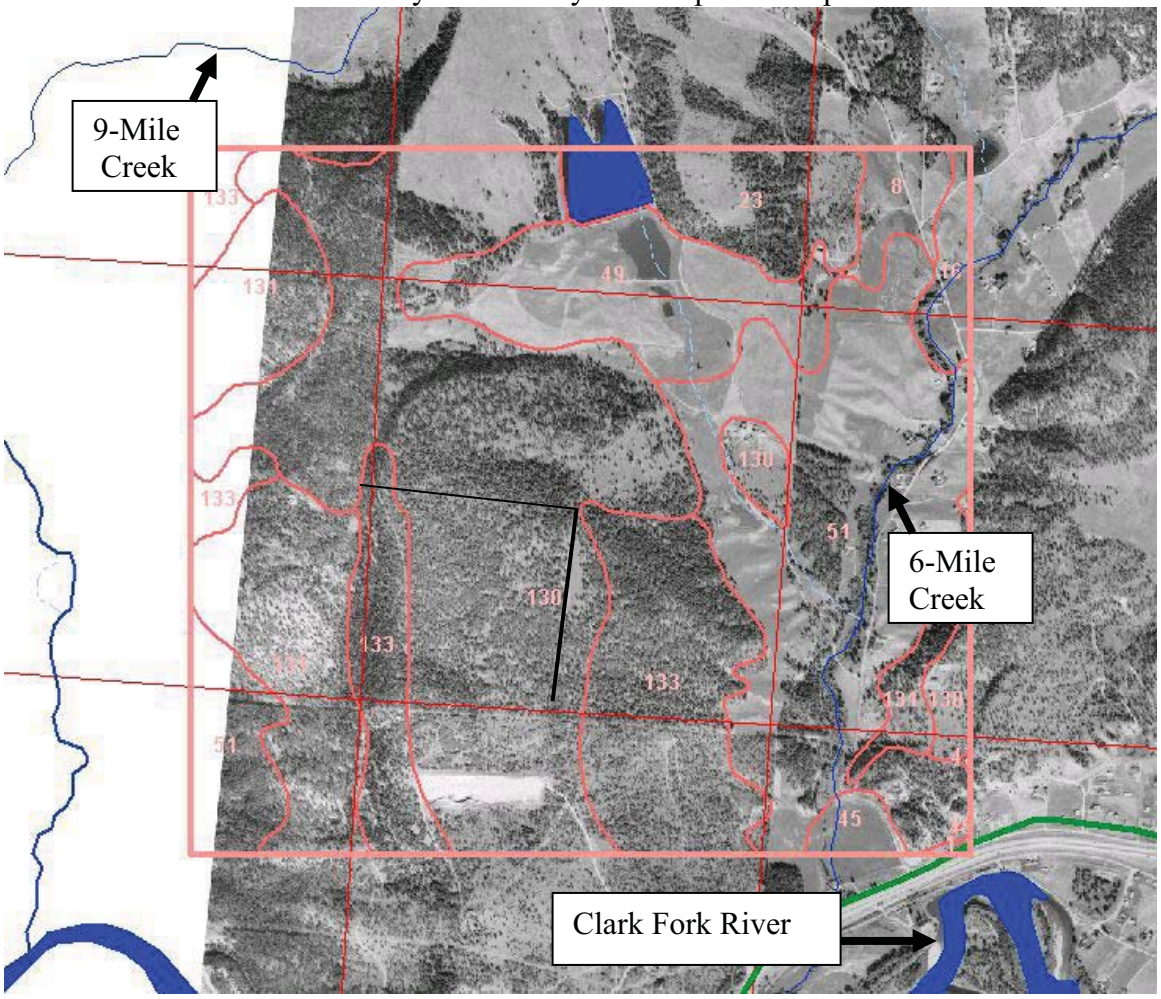
NAME	ADDRESS	PHONE	E-MAIL
Anne Hedges	Montana Environmental Information Center PO BOX 1184 HELENA MT 59624	443-2520	ahedges@meic.org
Bill Orsello/Stan Frasier	MONTANA WILDLIFE FEDERATION PO BOX 1175 HELENA MT 59624	442-9825	borsello@mtwf.org sfrazier@mtwf.org
Bob Vogel	Montana School Boards Association One South Montana Ave. Helena, MT 59601	442-2180	bvogel@mtsba.org
Daniel Berube	27 Cedar Lake Dr.	494-5152	dbeyrube.in-tch.com

	Butte, MT 59701		
Dore Schwinden	Deadhead Dept. of Labor and Industry		dschwinden@state.mt.us
Ellen Engstedt	MONTANA WOOD PRODUCTS PO BOX 1149 HELENA MT 59624	443-1566	woodproducts@mt.net
Harold Blattie	Montana Association of Counties 2715 Skyway Dr. Helena, MT 59601	442-5209	blattie@maco.coq.mt.us
Jack Atcheson, SR.	3210 OTTAWA BUTTE MT 59701	782-4150H 782-2382W	www.atcheson.com fax 723-3318
Janet Ellis	MONTANA AUDUBON PO BOX 595 HELENA MT 59624	443-3949	jellis@audubon.org
Jeanne Holmgren	DNRC P.O. Box 201601 Helena, MT 59620-1601		
Leslie Taylor	MSU Bozeman P.O. Box 172440 Bozeman, MT 59717-0001		lesliet@montana.edu
Nancy Schlepp	MT FARM BUREAU FEDERATION 502 S 19th, SUITE 4 BOZEMAN MT 59715	587-3153	nancy@mfbf.org
Ray Marxer	Matador Cattle Co. 9500 Blacktail Rd. Dillon, MT 59725	683-5691	marxerr@kochind.com
Rosi Keller	Univ. of Montana 32 Campus Dr. Missoula, MT 59812-0001	243-4662	rosickeller@umontana.edu
Jay Bodner	Stockgrowers 420 N. Calif. Helena, MT 59601	442-3420	jay@mtbeef.org
Tony Schoonen	Skyline Sportsmen Box 2, Ramsey 59748	782-1560 phone and fax	none

Cayuse Hill Area Soils, DNRC Ownership SW ¼, Section 22, T15N, R22W

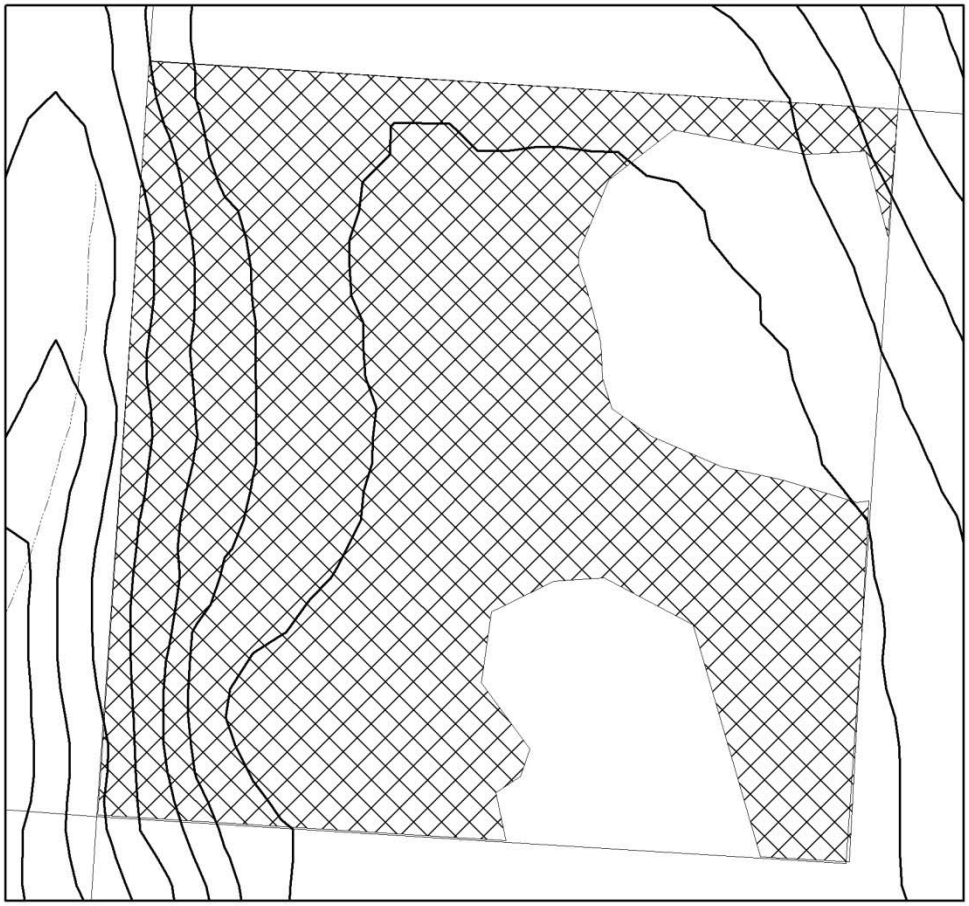
Map Unit Symbol	Mapping Unit Name
130	Winkler very gravelly sandy loam, 8 to 30 percent slopes
133	Winkler gravelly loam, cool, 30 to 60 percent slopes

Refer to Missoula County Soil Survey for complete interpretations



Cayuse Hill Building Envelope

SEC 22-T15N-R22W, PMM



No Build Zone Definition: This zone shall be defined as the prohibition of all buildings, structures, fences (except for wildlife friendly fencing) utilities (except underground utilities), storage, outbuildings or any other development. The No Build Zone does not preclude road construction.

DECLARATION OF COVENANTS REGARDING THE DEVELOPMENT AND USE OF REAL PROPERTY

This Covenant regarding the development and use of the herein-described real property ("this Declaration") is a declaration of the covenants, conditions and restrictions made by the undersigned State of Montana, State Board of Land Commissioners, whose address is DNRC, P.O. Box 201601, Helena, MT 59620-1601 upon the following-described subject real property. The State of Montana, State Board of Land Commissioners hereby establishes the following covenants, conditions and restrictions for the following-described real property in Missoula County, Montana:

160 acres in SW4 of Sec. 22, Township 15 North, Range 22 West

Subject to all existing easements and encumbrances of record, the State of Montana hereby declares that the above-described real property shall be held, sold and conveyed subject to the covenants, conditions and restrictions set forth in this Declaration, and which shall run with the subject property and be binding
upon and shall inure to the benefit of the Declarant and all parties having any right, title or interest in the subject property or any part thereof, their heirs, personal representatives, successors and assigns. Any and all development, redevelopment, modification, use, or sale of the subject property or any portion of it shall comply with the following conditions:

Section 1. Barbecue Pits. Permanent barbecue pits are prohibited.

Section 2. Gardens. Gardens shall be fenced with at least one foot of fencing material below ground level and at least eight feet in height. The top rail shall be made of something other than wire to prevent wildlife from entanglement.

Section 3. Birdfeeders. All bird feeders shall be suspended on a cable or other device so that they are at least 12 feet above the ground and at least 4 feet from any tree, post or other structure that bears could climb.

Section 4. Fruit trees. The planting of any type of fruit tree is prohibited unless surrounded by a properly constructed and maintained electric fence. Any produce shall be harvested promptly and thoroughly to prevent the accumulation of rotting organic matter.

Section 5. Solid Waste. No part of the Property shall be used as a dumping ground. All solid waste shall be stored inside the home or garage and shall be contained in metal, plastic, or other suitable containers which have sufficiently tight-fitting covers to prevent entrance or destruction by bears or other wild animals, unless it is in a commercially produced bear-resistant container. Solid waste may be stored out of doors if it is in a commercially produced bear-resistant container. Solid waste shall not be accumulated for longer than seven days and must be removed every seven days. Solid waste must be covered when it is being transported. Burying or burning solid waste is prohibited.

Section 6. Feeding Wildlife. Intentional feeding of wildlife is prohibited (with the exception of birds, as set forth in Section 3 above) and violates state law (MCA 87-3-130). Salt blocks, mineral blocks and feeding platforms

for deer or other wildlife are prohibited. Horse or livestock feed, such as hay, pellets and grain, shall be stored in a secured area or in commercially produced wildlife resistant containers. Pet food shall be stored indoors or in commercially produced wildlife resistant containers.

Section 7. Domestic Animals. All domestic animals shall be controlled to prevent them from chasing, stalking, killing, harming, or harassing wildlife and livestock and to prevent them from becoming prey for wildlife.

Section 8. Rabbits, chickens, turkey, pigs, sheep and goats. The keeping of rabbits, chickens, turkeys, pigs, sheep and goats is prohibited.

Section 9. Apiaries. Apiaries shall be surrounded by electric fencing.

Section 10. Subdivision and Building. Subdivision of this parcel and construction of structures on the parcel will be restricted to four (4) lots/residential dwelling units and associated outbuildings outside the designated No Build Zone.

Section 11. No Build Zone. A 118 acre No Build Zone has been designated and defined to prohibit development, but does not preclude road construction. See Exhibit A.

Section 10. Enforcement. Grantor reserves to itself and its successors, grantees and assigns the right to enforce these Deed Reservations. Enforcement of these Deed Reservations can be pursued through any proceeding at law or in equity. Remedies sought may include, but are not limited to, temporary restraining orders, preliminary injunctions, permanent injunctions, and actions to bring properties into compliance with these Deed Reservations.

Grantor may enter into memoranda of understanding or agreements pursuant to which it may assign or grant rights and options to enforce these Deed Reservations with the following governmental entities and no other persons or entities; Missoula County, the Montana Department of Fish, Wildlife and Parks, and the Department of Interior through the United States Fish and Wildlife Service. Any such memoranda of understanding or agreements may provide that Grantor reserves the right to enforce these Deed Reservations. Any such memoranda or agreement shall be executed in recordable form and recorded in the County or Counties in which any property encumbered by these Deed Reservations is located.

Section 11. Waiver. None of the parties reserving the right or to whom the right to enforce these Deed Reservations has been or may be assigned or granted are required to enforce them and may elect to waive enforcement. Failure to enforce these Deed Reservations by any party having or being assigned or granted the right to enforce shall in no way be deemed a waiver of the right to do so thereafter. Failure to enforce any provision contained in these Deed Reservations shall not operate as a waiver of any such provision or of any other provision of these Deed Reservations. No cause of action by any third party shall occur against Grantor or any entity to whom the right to enforce has been assigned or granted as a result of any decision regarding enforcement of these Deed Reservations. Grantor may terminate its rights to enforce these Deed Reservations at any time by giving notice to the other parties to whom Grantor may have assigned or granted the right and option to enforce these Deed Reservations.

Section 12. Severability. Invalidity or unenforceability of any provision, in whole or in part, contained in these Deed Reservations shall not affect the validity or enforceability of any other provision which shall remain in full force and effect.

Section 13. Amendment and Termination. These Deed Reservations may be amended or terminated upon the written concurrence of 75% of those parties having enforcement rights under Section 10 hereunder, provided, however, that no party's obligations can be increased without its express written consent.

Section 14. Successors and Assigns. The provisions contained in these Deed Reservations shall be binding upon and shall inure to the benefit of Grantor and its respective heirs, personal representatives, successors, grantees and assigns.

Section 15. Captions and Headings. The captions and headings in this instrument are for convenience only and shall not be considered in construing any provisions of these Deed Reservations.

Section 16. Educational Information. Should the Property be sold or rented, the Grantor shall deliver the Educational Information attached as Exhibit B hereto, and subsequent amendments to, modifications and replacements thereof to the buyer.

Section 17. Duration of Deed Reservations: The provisions of these Deed Reservations are intended to be easements and covenants running with the land, and are intended to be perpetual, except as amended or terminated as provided in Section 13. These Deed Reservations shall be included in any deed transferring ownership or lease transferring possession of the Property.

Section 18. Effect of Provisions of Deed Reservations: Each provision contained in these Deed Reservations, and any agreement, promise, covenant and undertaking to comply with each provision contained in these Deed Reservations, and any necessary exception or reservation or grant of title, estate, right or interest to effectuate any provision contained in these Deed Reservations: (a) shall be deemed incorporated in each deed or other instrument by which any right, title or interest in the Property described above is granted, devised, assigned, or conveyed, whether or not set forth or referred to in such deed or other instrument; (b) shall, by virtue of acceptance of any right, title or interest in the Property described above, be deemed accepted, ratified, adopted and declared as a personal covenant of the Owner of the Property, and as a personal covenant, shall be binding on such Owner and such Owner's heirs, personal representatives, successors and assigns; and (c) shall be deemed a real covenant by Grantor, for itself, its successors and assigns, and also an equitable servitude, running, in each case, as a burden with and upon the title to the Property.

IN TESTIMONY WHEREOF, the STATE OF MONTANA has caused these presents to be executed by the Governor and to be attested to by the Secretary of State and countersigned by the Director of the Montana Department of Natural Resources and Conservation, and the Great Seal of the State and the Seal of the State Board of Land Commissioners to be hereunto affixed this _____day of _____, 2011

_____
Governor of the State of Montana

Attest:

_____
Secretary of State

Counter-signed:

_____
Director

EXHIBIT A

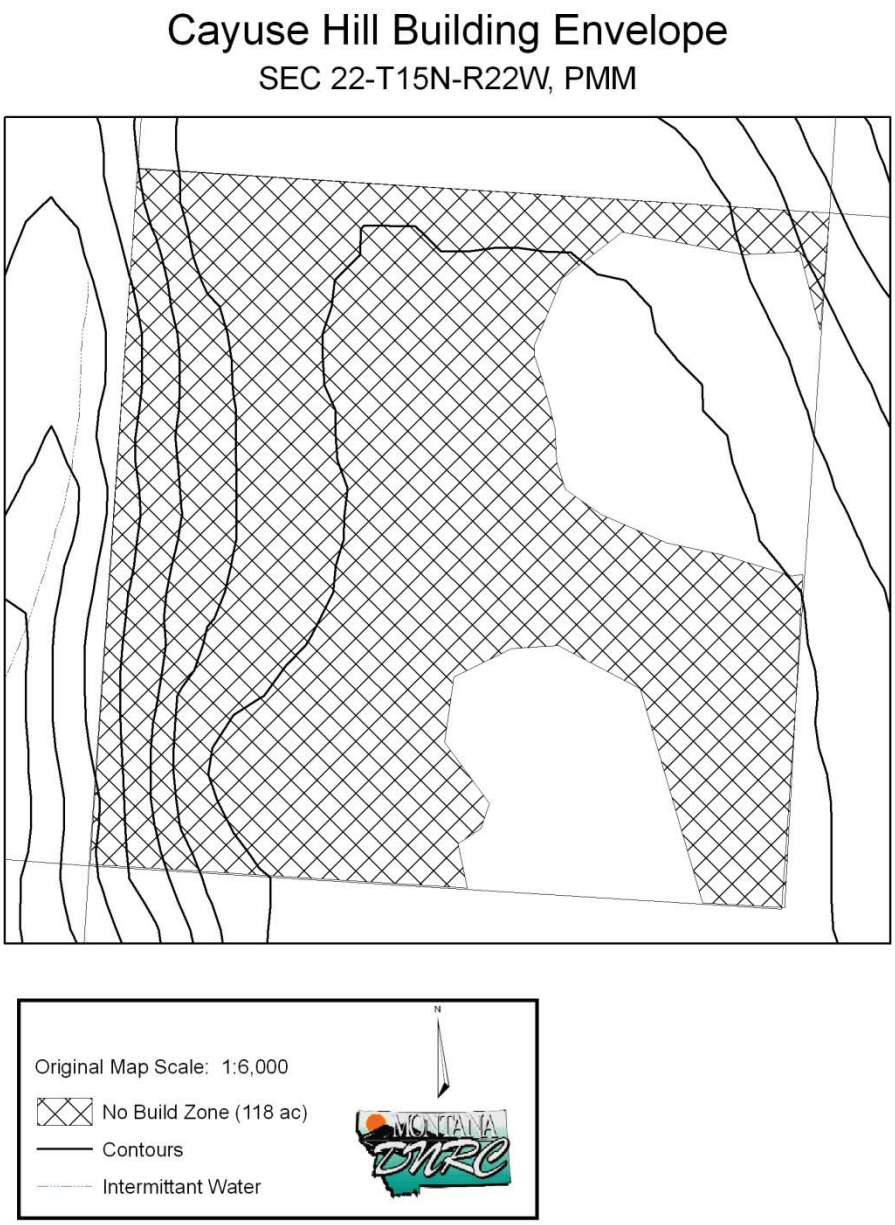


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EXHIBIT B

EDUCATIONAL INFORMATION

Grantor recognizes that wildlife and the natural environment are important amenities and the continued protection and proliferation thereof should be encouraged in the human development and use of private land in the Ninemile Valley; and

The Property contains resources that are important to the people of the United States; and

Grantor has placed Deed Reservations, Grants and Restrictions (the "Deed Reservations") upon the Property for the use and benefit of wildlife, the United States, Missoula County, Montana, and future owners and for the use and benefit of wildlife on other property managed by Montana DNRC in Missoula County, Montana; and

The Deed Reservations are designed and intended to protect wildlife and its natural habitat in the development of private property, to reduce conflicts between humans and wildlife, and to reserve and grant the right to take necessary action to enforce these Deed Reservations.

The following information is provided for educational purposes only and for no other purpose. It is not intended that the information provided herein be enforced against the owner of any of the property encumbered by the Deed Reservations. This educational information, however, may be helpful in furthering the intent of the Deed Reservations.

Section 1. Barbecue Pits. Residual odors of cooked meat and grease drippings in permanent barbecue pits attract bears to home sites and habituate them to humans, thereby endangering bears, other wildlife, livestock and humans. Portable barbecue grills should be cleaned after each use and stored indoors when not in use.

Section 2. Landscaping. Landscaping palatable to deer will encourage them to live in close proximity to people. When deer are present, their natural predators – including the mountain lion, wolf, bear and coyote – will follow. Native vegetation should be used for landscaping and revegetation so as to not encourage deer browsing. If ornamental plants are used, their use should be limited and they should be fenced in order to minimize damage. Landscaping should be designed to reduce or eliminate any areas that could hide predators.

Section 3. Gardens. Vegetables and herbs found in gardens are attractive to both deer and bears. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain effective electric fences when used. For other areas of the property, if electric fencing is used, it shall be regularly monitored to ensure proper use and function.

Section 4. Rotting Organic Matter and Compost Piles. Rotting organic matter is a prime wildlife attractant. Its presence endangers bears, other wildlife, livestock and humans. All garden produce, fruit trees and berry producing shrubs should be promptly and thoroughly harvested so as to prevent the accumulation of rotting organic matter. Compost piles should be surrounded by a properly maintained and effective electric fence or non-electric fence that is at least one foot of fencing material below ground level and at least eight feet in height. The top rail should be made of something other than wire to prevent wildlife from entanglement.

Section 5. Birdfeeders. Birdseed and nectar or sugar water feeders for hummingbirds are natural food sources for bears and other wildlife. Bears will go to great lengths to reach this type of food, climbing trees, climbing on decks and tearing down upright structures.

Section 6. Fruit trees. Fruit trees are a major wildlife attractant.

Section 7. Solid Waste. Human garbage that is available to wildlife allows them to become food conditioned and to lose their natural fear of people. This can result in an animal that is considered a nuisance or a danger and that may have to be destroyed. It can also endanger humans, livestock and other wildlife.

Section 8. Feeding Wildlife. Artificial feeding of wildlife attracts both prey and predator species to human habitats and is prohibited by Section 87-3-103 Montana Code Annotated.

Section 9. Domestic Animals. Uncontrolled animals may chase wildlife and livestock. House cats may stalk and kill many species of birds and small mammals. Harassment of wildlife by domestic animals causes unnecessary energy expenditures and can displace native wildlife to less suitable habitats. It is a violation of state and local law to allow dogs to be at large in Missoula County (Missoula County Animal Control Ordinance and Section 7-23-2108 Montana Code Annotated). Dogs that harass livestock are considered a public nuisance and may be killed immediately by the owner of the livestock (section 81-7-401 Montana Code Annotated.) The owner of a dog that kills livestock may also be liable to the owner of livestock for liquidated damages (Section 81-7-402 Montana Code Annotated). It is also a violation of state law to allow dogs to chase, stalk, pursue, attack or kill hooved game animals. Any peace officer who witnesses a dog chasing, stalking, pursuing, attacking or killing a hooved game animal may destroy the dog on either public or private land (Section 87-3-124 MCA). Lastly, uncontrolled domestic animals may become prey for wildlife.

Section 10. Rabbits, chickens, turkeys, pigs, sheep and goats have no defense against predators and will attract predators with associated mortality and harm to both species and possibly humans. The common methods of feeding these animals can be serious attractants to many wildlife species.

Section 11. Apiaries. Apiaries will attract bears . Before an apiary is located on the property, the owner of the bee hive(s) should first contact the Montana Department of Fish, Wildlife and Parks to consult on plans to avoid conflicts with bears.

Section 12. Fencing. Landowners must be aware that the Ninemile Valley is important wildlife habitat and fencing should be compatible with the needs of wildlife to move across the landscape. The movement patterns of deer, elk, moose, bears and mountain lions should be taken into account if fencing is required. Contact the Montana Department of Fish, Wildlife and Parks to discuss fencing types compatible with wildlife movements.

Section 13. Brochures. Public agencies, non-profit groups and businesses have developed information for the use of landowners living in proximity to wildlife. Information may be obtained from the Missoula Office of Planning and Grants, 435 Ryman, Missoula, MT 59801, (406) 523-4657 and the Montana Department of Fish, Wildlife and Parks.