

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	<b>CS&amp;KT/ DNRC Land Exchange – Phase 2</b>
<b>Proposed Implementation Date:</b>	Spring 2011
<b>Proponent:</b>	CS&KT and the Montana D.N.R.C.
<b>Location: CS&amp;KT</b>	North of the Reservation boundary, North of Niarada in Sections 22,23,26, 27,28,29,31, 32, 33, T25N, R23W and Section 30, T25N, R22W for a total of 2,900 acres.
<b>Location: DNRC</b>	Section 36, T17N, R17W (523 acres), Section 16, T16N, R17W (640 acres), Section 36, T16N,18W (621acres), and the E ½ of Section 16, T16N, R18W (320 acres), for a total of 2,104 acres.
<b>County:</b>	Lake County, Missoula County & Flathead County

### I. TYPE AND PURPOSE OF ACTION

This action is the exchange of property between the Montana Department of Natural Resources and Conservation (D.N.R.C.) and Confederated Salish and Kootenai Tribes. The exchange involves tribe owned property north of the CS&KT Reservation, and State owned property located within the Reservation in the Jocko Primitive Area.

D.N.R.C. currently owns Sections listed above totaling 2,104 acres, located within the Jocko Primitive Area, and within the boundaries of the Flathead Indian Reservation. The CS&KT own approximately 2900 acres of mostly grazing land north of Niarada, outside of the Reservation, in parts of the Sections identified above. These holdings would be exchanged.

### II. PROJECT DEVELOPMENT

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

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

The CS&KT started the process for the Phase 1 land exchange in August 2007. The land the CS&KT was most interested in trading was located within the boundaries of the Reservation and located within the area they have designated as tribal special management areas. On March 6<sup>th</sup> 2008 the Tribal Council approved a resolution for the purchase of properties in Lincoln, Montana. An application was made to the D.N.R.C. in June 11<sup>th</sup> of 2008 for the Phase 1 land exchange. A preliminary review was conducted in July and August of 2008. The first phase of the exchange was completed in May, 2010.

DNRC received an application from the CS&KT for the Phase 2 land exchange in May of 2010. This proposal was scoped in June and July of 2010. The Land Board granted preliminary approval to proceed with further evaluation of the project. The properties have been appraised and a final proposal developed for consideration that balances values. This document is the environmental analysis for the Phase 2 proposal. The intent is to proceed with a recommendation to the Land Board.

Notice of Public Hearings for the Phase 2 exchange, to be held in Ronan, Kalispell, and Missoula were published in the Helena Independent Record, Daily Interlake, Missoulian, and the Char-Koostera newspapers. These public hearings were conducted on March 16<sup>th</sup> in Missoula (3:00- 5:00pm), March 22<sup>nd</sup> in Kalispell (3:00- 5:00pm), and March 23<sup>rd</sup> in Ronan (3:00-5:00pm). Public comments were solicited and any received have been incorporated into the environmental assessment.

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

NONE

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**3. ALTERNATIVES CONSIDERED:**

- 1) ACTION- Proceed with the land exchange with the CS&KT.
- 2) NO ACTION - Do not proceed with the land exchange with the CS&KT.

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

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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.*

**NONE**

As land will be exchanged, no change to the geology, soil quality, stability and moisture will occur. Future activities on DNRC lands will be subject to MEPA. If the exchange occurs the CS&KT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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**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.*

**NONE**

As land will be exchanged, no change to the water quality, quantity, and distribution will occur. Any water rights associated with the proposed exchange properties would be included in the land exchange. Future activities upon DNRC lands will be examined under MEPA. If the exchange occurs the CS&KT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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**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.*

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**NONE**

As land will be exchanged, no change to the air quality will occur. There would not be any pollutants or particulate matter formed by this exchange. This area is in air shed 6. Future activities upon DNRC lands will be examined under MEPA, follow DNRC regulations, and would abide with the Federal Clean Air and Water Act. If the exchange occurs the CS&KT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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**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.*

**NONE**

As land will be exchanged, no change to the vegetative communities would occur. According to the Montana Natural Heritage Program, Spalding's Campion (*Silene spaldingii*) is present in the vicinity of some of the CS&KT parcels involved with the exchange proposal. Overall, there would be no direct, indirect, or cumulative

effects to vegetation. Future activities upon DNRC lands would be examined under MEPA and activities on tribal lands would likely involve NEPA review. If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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## **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.*

### **NONE**

As land would be exchanged, no change to the terrestrial, avian, and aquatic communities would occur. Several perennial and intermittent streams exist in the project area, but this project would not disturb aquatic habitats or fisheries resources. Overall, there would be no direct, indirect, or cumulative effects to terrestrial, aquatic, or avian habitats. Future activities on DNRC lands will be examined under MEPA.

The Upper Jocko Lake (AKA Black Lake) is partially located on one of the DNRC parcels. The dam was built in 1967 and the reservoir contains approximately 5,200 acre feet of water storage capacity. The reservoir is sited on an easement granted by the state.

If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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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.*

The affected CS&KT parcels are outside of the Northern Continental Divide Ecosystem grizzly bear recovery area and the "occupied habitat" area as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger, 2002). The affected DNRC-managed parcels are in the Northern Continental Divide Ecosystem grizzly bear recovery area. Limited use of current CS&KT lands would be anticipated, meanwhile use of the existing DNRC-managed lands is likely; no changes in use or available habitats would be anticipated under either alternative. Potential Canada lynx habitats exist on most of the DNRC-managed parcels (approximately 1,994 acres); limited or no Canada lynx habitats exist on the CS&KT parcels. Collectively no changes in existing Canada lynx habitats would be anticipated under either alternative.

Flammulated owl habitats exist on portions of both the DNRC-managed and CS&KT-managed lands and some level of use could be anticipated. Additionally some potential pileated woodpecker and fisher habitats exist on some of the DNRC-managed parcels and limited pileated woodpecker or fisher habitats exist on the CS&KT lands; some use by pileated woodpeckers is likely. Some of the CS&KT parcels are within the annual home range of the Salish wolf pack, and some use of the area is likely. Meanwhile a couple of suspected packs are in the vicinity of the DNRC-managed parcels. Some potential exists for common loons, harlequin ducks, and/or black-backed woodpeckers to occasionally use the DNRC-managed lands, and no changes to their habitats or anticipated use levels would be expected. Habitats are not present for any of the other DNRC-listed sensitive species and presence of these species is not anticipated. In general, habitats exist for similar species across all parcels being considered in the land exchange. Under the proposed action, DNRC forest management activities would still be guided by the Forest Management Rules and would be subject to MEPA review and activities on tribal lands could involve NEPA review. As land would be exchanged, no change to the terrestrial, avian, and aquatic communities would occur. Overall, there would be no effects to terrestrial or avian habitats.

If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

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

**NONE**

As land will be exchanged, no change to these sites will occur. The Department of Natural Resources and Conservation (DNRC), and the Confederated Salish and Kootenai Tribes (CS&KT) recognize that this exchange is a direct transaction between sovereign Governments. Consequently, when processing this land exchange, the DNRC need not conduct a cultural resource inventory of the subject State lands under Montana's Antiquities Act, Section 22-3-421, et seq., MCA, prior to the completion of the exchange with CS&KT, because the CS&KT is obligated to comply with the provisions of the National Historic Preservation Act, 16 USC Section 470, et seq. Thus, this land exchange will maintain the status quo for any cultural resources located upon the State lands. The CS&KT hereby agrees to comply with the National Historic Preservation Act requirements prior to authorizing any future ground disturbance or other alteration of cultural resources located upon the following parcels of land: Section 36, within Township 17 North, Range 17 West, Section 16, within Township 16 North, Range 17 West, Section 16, within Township 16 North, Range 18 West, and Section 36, within Township 16 North, Range 18 West.

Future activities upon DNRC lands will be examined under MEPA. If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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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.*

**NONE**

As land will be exchanged, no immediate change to the existing aesthetics would be noticeable. Consolidating lands would reduce the need for vegetative treatments to use artificial land survey boundaries and allow greater opportunities for use of natural breaks in topography.

Future activities upon DNRC lands will be examined under MEPA. If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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**12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

**NONE**

As land will be exchanged, no change to these sites will occur. This land exchange would enable future actions by the DNRC to have improved road access.

Future activities upon DNRC lands will be examined under MEPA. If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

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**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

**MINOR**

A Phase I Environmental Assessment Report was prepared by PBS&J for DNRC in December 2009 to review the CSKT properties to the north of Niarada. In response to questions about possible groundwater contamination related to an old mining operation, PBS&J undertook a Phase II water and streambed sampling study, which concluded there are minor impacts to water quality (below water quality standards).

**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.*

**NONE**

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

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

**MINOR**

The proposed land exchange would accommodate more efficient use of the land. It would reduce the need for identification of a lengthy property boundary. It would reduce potential land use conflicts. All future activities upon DNRC lands will be examined under MEPA. If the exchange occurs the CSKT intends to transfer the Jocko property to the United States in trust for the Tribes. Actions of the United States are subject to NEPA.

**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.*

**NONE**

**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.*

**MINOR**

There will be a minor reduction in tax revenues to Lake and Flathead County as a result of the reduction in private land ownership. 2008 Tax records for Lake County indicate that \$1,169.14 was the tax revenue, and for Flathead County the tax revenue was \$781.52 for the parcels north of Niarada. The DNRC parcels (3 ¼ sections ) will be taxable for a brief period within Missoula County and then return to tax exempt status when they are conveyed to the United States of America in trust for the Tribes. There would be no long term change in taxable status.

**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*

**MINOR**

The land exchange would compliment wildland fire protection responsibilities. CS&KT lands at Niarada are protected by DNRC. DNRC lands in the Jocko area are protected by the tribe. The exchange of property would result in the landowner also being responsible for wildland fire suppression. Exchange of lands is likely to result in a minor reduction in administrative time and expense to manage the lands.

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

The land in this exchange that is currently owned by the CS&KT (Niarada properties) is expected to contribute greater long- term income to the State Common School Trust when compared to the lands proposed for disposal. The Niarada properties would consolidate existing school trust holdings (combining phase 1 and 2 parcels). All actions would be under the guidance of the School Trust Land Mandate, MEPA, the State Forest Land Management Plan, Montana Codes Annotated (MCA) and the Administrative Rules of Montana (ARM's). Elimination of the isolated school trust parcels in the Jocko area would eliminate conflicting use of an area designated as a tribal primitive area.

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

The land exchange would result in an improvement in public access. The acquired land is adjacent to a county road and is consolidated with existing trust land. The exchange dramatically reduces the length of state-private property boundary, thereby reducing the potential for trespass. The school trust lands in Missoula County (Jocko parcels) are within an area where travel is restricted to tribal members only (South Fork Jocko Tribal Primitive Area). No such restriction would apply to the parcels to be acquired north of Niarada.

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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.*

**NONE**

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**22. SOCIAL STRUCTURES AND MORES:**

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

**MINOR**

The exchange of school trust land in the Tribe Special Management area will consolidate tribal land holdings within an area identified as important culturally and with tribal primitive and wilderness values.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

**NONE**

The exchange of school trust land in the Tribe Special Management area will consolidate tribal land holdings within an area identified as important culturally and with tribal primitive and wilderness values.

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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.*

**MINOR**

DNRC has conducted an analysis of the Phase 2 land exchange proposal to determine whether it is likely to result in greater long term returns to the school trust.

Future income from school trust lands located in the South Fork Jocko Tribal Primitive Area is highly unlikely as commercial timber harvest is prohibited within the primitive area. The projected income rate of return for the school trust land in the Jocko area over a 60 year accounting period would be 0.00%.

Future income from Tribal lands acquired in the Niarada area would be generated from grazing license fees. The projected income rate of return for the Tribal lands in the Niarada area over a 60 year accounting period would be 0.12%. This income rate of return is calculated using current productive capacities for the land and the state's minimum lease rate per AUM. Competitive bidding for grazing leases could increase the income rate of return on this land.

The income rate of return on the land the school trust would receive in the exchange is better than the land exchanged to the Tribes, and meets the land exchange criteria of equal or greater income to the trust.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Michael Collins	<b>Date:</b> 03/08/11
	<b>Title:</b> NWLO Trust Land Resource Manager	

**V. FINDING**

**25. ALTERNATIVE SELECTED:**

I hereby select in favor of the proposed exchange of property (as described above).

**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

Implementation of the land exchange proposal will not result in significant environmental impacts.

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

EIS                     
  More Detailed EA                     
  No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Robert Sandman	
	<b>Title:</b> NWLO Area Manager	
<b>Signature:</b>	S:/Signature on File	<b>Date:</b> May 31, 2011