

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Spicher Land Inc.-Expiring CRP, Tame Pasture, and Native Rangeland to Agricultural Land Classification
Proposed Implementation Date:	Summer 2012
Proponent:	Spicher Land Inc., PO Box 98, Joplin, MT 59531
Location:	Lease #4615, W2, Section 14, T31N, R7E
County:	Liberty
Trust:	Common Schools

I. TYPE AND PURPOSE OF ACTION

CRP contract #617 containing 138.00 acres expires on 9/30/2012. The lessee, Spicher Land Inc., has requested to break these expiring CRP acres. The CRP acres were not offered for re-enrollment. The tract was last farmed in 1988. The estimated acres that will be broke and returned to small grain production is 138.00 acres. Also, an additional 90.92 acres of tame pasture and 19.73 acres of Native Rangeland are proposed to be broke and returned to small grain production. The remaining 71.35 acres of native rangeland will not be broke. The lessee plans to spray the northwest CRP field consisting of 49.35 acres out during the summer of 2012 and then direct seed it to winter wheat in the fall of 2013. The remaining CRP, Tame Pasture, and Native Rangeland will be sprayed out in the spring/summer of 2013 and then direct seeded to winter wheat in the fall of 2013.

II. PROJECT DEVELOPMENT

248 PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

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

DNRC-Surface Owner
Spicher Land Inc.-Lessee
Graham Taylor-MFWP
Montana Salinity Control Association
Montana Audubon Society

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

DNRC is not aware of any other agencies with jurisdiction or other permits needed to complete this project.

3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Deny Spicher Land Inc. permission to break the expiring CRP and return it to small grain production. Also, deny Spicher Land Inc. permission to break the tame pasture and native rangeland and place it into small grain production.

Alternative B (the Proposed action) – Grant Spicher Land Inc. permission to break the expiring CRP and return it to small grain production. Also, grant Spicher Land Inc. permission to break the tame pasture and native rangeland and place it into small grain production

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.

This tract consists of gently rolling topography. The below table outlines the soil types that will be broke.

Slope	Class	T-Factor	WEG	Estimated WW Yield	Acres	Section
0-4%	3E	5	5	39 bu/acre	157.95	14
2-8%	3E	5	6	38 bu/acre	24.00	14
4-8%	3E	5	6	38 bu/acre	17.10	14
0-4%	4S	2	6	15 bu/acre	48.10	14
0-4%	4E	5	3	35 bu/acre	1.50	14
TOTAL	3E				199.05	
TOTAL	4E				1.50	
TOTAL	4S				48.10	
TOTAL	BREAK				248.65	

Class 3 soils have severe limitations that restrict the choice of plants and require special conservation practices. Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both. The letter "e" shows that there is an erosion hazard unless close-growing plant cover is maintained. The letter "s" shows that the soil is limited mainly because it is shallow, droughty, or stony.

The class 3E soils have an expected yield of 38-39 bu/acre for winter wheat are susceptible to wind and water erosion.

The class 4E soils have an expected yield of 35 bu/acre and are susceptible to wind and water erosion. This soil type has a low Wind Erodibility Group factor of 3, but consists of only 1.50 acres of the proposed land break.

The 4S soils have an expected yield of 15 bu/acre for winter wheat. This soil type has a low T-factor and is listed as shallow, droughty, or stony. A field review showed no evidence to support the claim of the low T-factor and low soil productivity due to the "s" classification. This soil would be more correctly mapped as 4E with a T-factor of 5 and an expected yield of 35 bu/acre. There have been some NRCS soil mapping inaccuracies in this area and this clearly reflects one of the errors.

Any erosion concerns for these soil types will be mitigated due to the residue produced not being destroyed by the utilization of no-till farming practices. Clearly, the majority of the soils on this tract meet DNRC's land break requirements.

The last noted practice type was CP-10 which is for already established grass. The reason for initial enrollment in CRP is for increased revenue and due to farming difficulties presented by the utilization of mechanical tillage which destroyed the resided produced by small grain production.

Jane Holzer, Montana Salinity Control Association commented, "State Lease #4615 W2 Section 14 T31N R7E Liberty County. MSCA has no specific information for this lease, but there is obvious salinity in the area (SE 1/4) and this parcel appears to have had saline conditions along the eastern edge. This lease should have a field visit to confirm conditions before making a decision on breaking perennial forage anywhere in the W 1/2. MSCA could go to the field with you if requested. We have an soil EC meter that could be used if moisture conditions are adequate, otherwise soil samples should be taken and brought to MSCA office or sent to a lab. You would

need soil samples at depth, not just at the surface, and take samples in the adjacent private field to confirm saline conditions that appear on the map.

A field visit to the above area was made and no indication was noted of existing salinity or possible salinity occurring as a result of the proposed action.

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.

There are no documented and/or recorded water rights associated with the proposed tract. Other water quality and/or quantity issues will not be impacted by the proposed action.

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 cumulative effects to air quality are anticipated.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The existing CRP vegetation is introduced species consisting of primarily crested wheatgrass. The tract was last farmed in 1988. The vegetative community will be altered by the reclassification. The conversion of CRP to small grain production will increase the overall productivity of the site as the current grass stand has very low vigor.

The tame pasture was seeded in the late 1940's due to an illegal land break at that time. It consists of primarily crested wheatgrass. Conversion of the tame pasture to small grain production will increase the overall productivity of the site as the current grass stand has low vigor.

The native rangeland contains primarily native species dominated by Sandberg Bluegrass and Blue Grama. The rangeland is capped by Club moss and therefore has very low productivity. Conversion of the native rangeland to small grain production will greatly improve the productivity of the site.

A review of Natural Heritage data through the NRIS was conducted and there were no plant species of concern noted or potential species of concern noted on the NRIS survey.

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.

Graham Taylor, Regional Wildlife Manager-FWP, commented, "**RE: State Lease #4615: Break 138 acres of CRP, 90 acres of tame pasture and 20 acres of native rangeland.** Fish Wildlife and Parks would not object to the break of existing CRP for this lease. What constitutes 'tame' pasture gives pause to question the necessity or the risk posed to wildlife species that use these acres – such action is not supported by FWP. And the further breaking of native rangeland is not warranted and in fact should be precluded, given the scarcity of said native rangeland in Liberty County compared to historic levels. Native rangelands and, likely, 'tame' pastures contribute significantly to wildlife abundance in the area well beyond their proportionate occurrence in the County. The tract is publicly accessible, therefore offering additional recreational opportunity to Montana sportsmen. The cumulative impacts of the conversion from CRP to small grain production on these DRNC and other private parcels will have long term detrimental impacts to recreational opportunity, upland game birds and non-game wildlife species in Liberty County.", See attached E-mail.

These concerns will be somewhat mitigated as the proposed action will remove the permanent vegetative cover, but the residue produced in small grains production will still provide limited cover and food for the area wildlife. FWP did provide site specific comments regarding this proposed break.

Converting existing CRP, tame pasture, and native rangeland acres to agricultural land will decrease wildlife thermal and hiding cover. This reduction of cover may adversely impact various wildlife species including songbirds, upland game birds, waterfowl, antelope, white tailed deer, and mule deer. Agricultural land may provide a limited food source for wildlife species including deer, antelope, upland game birds and migrating waterfowl. No comments were received from the Montana Audubon Society.

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.

There are no threatened or endangered species, sensitive habitat types, or other species of special concern associated with the proposed project area. Montana FWP did provide site specific comments regarding wildlife, (see item #8). At this time, no known unique, endangered, fragile or limited environmental resources have been identified within the proposed project area. The project consists of 138.00 acres of CRP, 90.92 acres of tame pasture, and 19.73 acres of native rangeland, which is only a very small portion of the total uncultivated acres held within Liberty County.

A review of Natural Heritage data through the NRIS was conducted. There was one animal species of concern and two potential species of concern noted on the NRIS survey: Birds—Short-eared Owl and Swainson’s Hawk. Mammals-Black-tailed Prairie Dog. A review of the Sage-Grouse Lek and Lek Area data showed no sage grouse leks in or near the proposed project area in Liberty County. This particular tract of CRP, tame pasture, and native rangeland does not contain many, if any of these species. If any are present, they may be dispersed into surrounding permanent cover.

With the use of the USDA-NRCS Conservation Plan, minimum cumulative effects are anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Patrick Rennie, DNRC archaeologist, was contacted and he stated that due to the CRP and tame pasture being previously farmed, no historical, archaeological, or paleontological resources would be present. Tony Nickol, Land Use Specialist, surveyed the native rangeland and there were no historic, archaeological, or paleontological sites noted on the area.

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.

Since the tract is currently in CRP, tame pasture, and native rangeland and the surrounding tracts are all either CRP, native rangeland, or farmed reclassification as agricultural land will not affect the aesthetics of the area.

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

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

The demand on environmental resources such as land, water, air, or energy will not be affected by the proposed action. The proposed action will not consume resources that are limited in the area. There are no other projects in the area that will affect the proposed project.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

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

There are no other projects or plans being considered on the tract listed on this EA.

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.

The proposed project will not change human safety in the area.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

The reclassification of this to agricultural land will increase the vegetative productivity of this tract. The estimated WW yield is 15-39 bu/acre so the weighted average estimated yield is 37 bu/acre. $37 \text{ bu/acre} \times \$4.92/\text{bu} \times .25 = \$45.51/\text{acre}$ divided by 2 for 50/50 crop fallow equals \$22.76/acre.

The current CRP payment is \$34.07/acre but will not be sustained due to the contract expiring. The Common Schools trust would see an estimated return increase of \$5.73/ac on 138.00 acres of expiring CRP. In addition, the Common Schools trust will receive 25% of the FSA Direct Contract Payment (DCP).

The tame pasture is currently rated at 0.50 AUM's/acre $\times \$7.90/\text{AUM}$ equals \$3.95/acre. The estimated return for small grain production is \$22.76/acre. The Common Schools trust will see an estimated return increase of \$18.81/acre on 90.92 acres of tame pasture.

The native rangeland is currently rated at 0.18 AUM's/acre $\times \$7.90/\text{AUM}$ equals \$1.42/acre. The estimated return for small grain production is \$22.76/acre. The Common Schools trust will see an estimated return increase of \$21.34/acre on the 19.73 acres of native rangeland.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The proposed action will not significantly affect long-term employment in the surrounding communities.

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.

The proposed action will increase the tax revenue due to the increased revenue generated in small grain production.

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

There will be no increases in traffic, no changes in traffic patterns, and no need for additional fire protection, or police services.

There will be no direct or cumulative effects on government services.

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 proposed action is in compliance with State and County laws. No other management plans are in effect for the area.

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

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

This tract of state land is rural and generally has low recreational value. This tract is legally accessible and the proposed action is not expected to impact general recreational and wilderness activities on this state tract.

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 proposal does not include any changes to housing or developments.

No direct or cumulative effects to population or housing are anticipated.

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.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The proposed action will not impact the cultural uniqueness or diversity of the area.

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 proposed conversion of CRP, tame pasture, and native rangeland to agricultural land will greatly improve the productivity on the tract and increase the return to the trust. The current grass stands have lost their vigor and have very low productivity. This tract was not offered for renewal of the CRP contract due to its relatively high productivity. Therefore, converting this acreage to small grain production will provide the Common Schools trust with an estimated return of \$22.76/acre. This is based on the expected 37 bu/acre yield, the 10 year average selling price of \$4.92/bu, and a 50/50 crop/chemical fallow rotation. The estimated return is in line with the NE4, Section 14, T31N, R7E which is adjacent to the tract. It contains similar soil types and has a 9-year average return of \$21.05/acre. No other unique circumstances exist.

EA Checklist Prepared By:	Name: Tony Nickol	Date: May 14, 2012
	Title: Land Use Specialist, Conrad Unit, Central Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative B – **with amendments** - Grant Spicher Land Inc. permission to break 138 acres of expired CRP and 68 acres of tame pasture return it to small grain production. Deny permission to break 22.92 acres of tame pasture and 19.73 acres of native rangeland.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

42.65 acres indicated in red on the attached map will not be broke due to soils concerns which have an increased risk of erosion and limited production capability. Highest and best use of this area is permanent grass cover. The remainder of the requested break area consisting of 206 acres of expiring CRP and tame pasture meet current Departmental breaking policy, which indicates that soils are suitable for small grain production under no till farming practices. The lessees must work with FSA and NRCS and obtain a Conservation Plan and comply with all sod busting regulations. Breaking these acres will help meet TLMD objectives by increasing revenue to the school trust. An average of 37 bu/acre winter wheat or near \$21.00 per acre annual return is expected for this acreage. Significant negative impacts are not expected with this 206 acre land break.

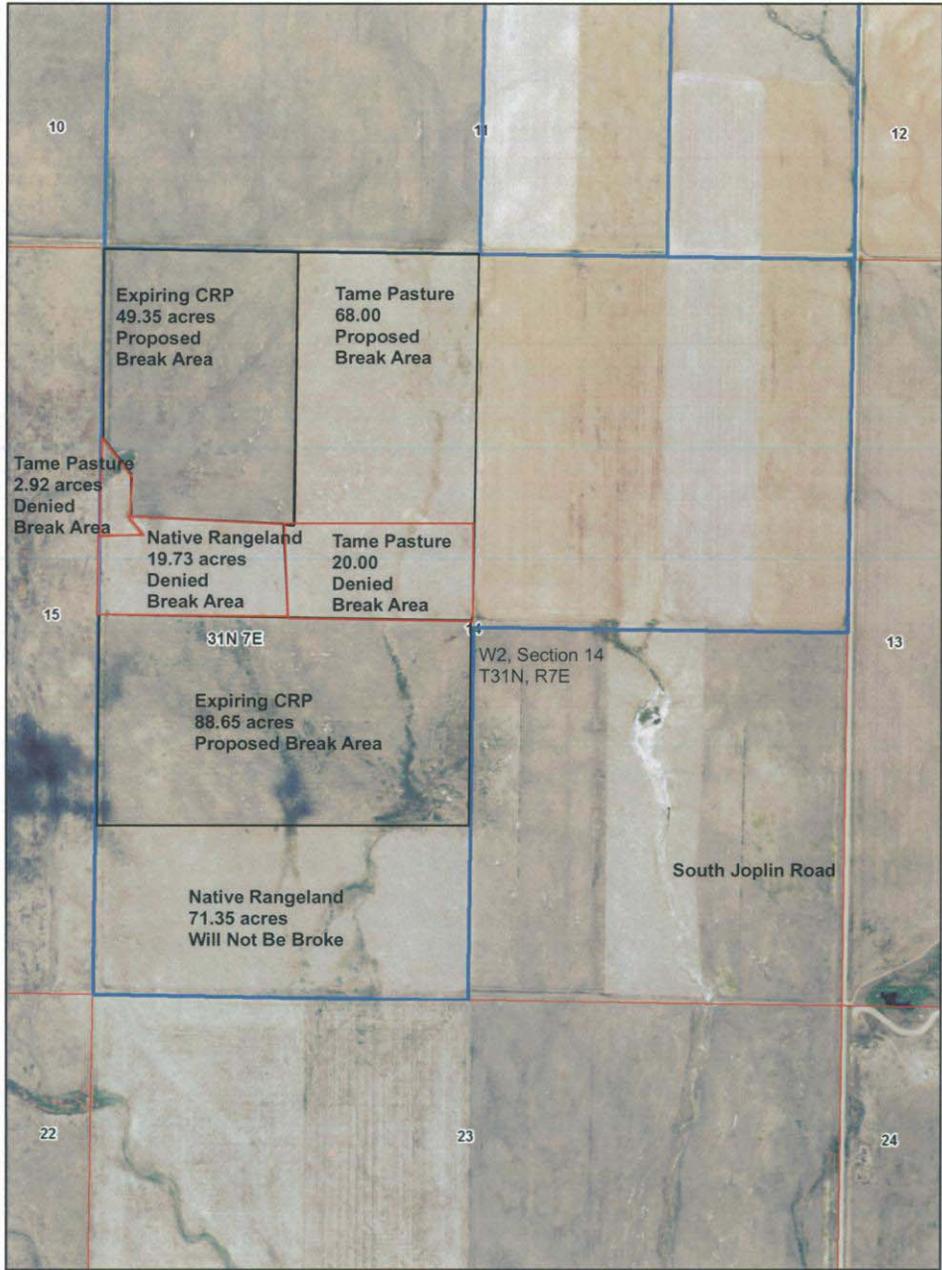
27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Erik Eneboe
	Title: Conrad Unit Manager, CLO, DNRC
Signature: 	Date: May 17, 2012



Tony,

I have reviewed the two most recent DNRC break requests you have forwarded for Liberty County. Please accept these following comments to address the proposed actions:

RE: State Leases #4615 & 326

These propose to break CRP, 'tame' pasture and native rangeland. Acreages this large in size currently enrolled in CRP and in their given locations most likely have considerable breeding, nesting and brood rearing habitat value for upland game birds, non-game wildlife species, along with habitat benefits for big game species. Non-game grassland birds, one of the fastest declining groups of birds in the country, have also responded positively to the habitat afforded by CRP, staving off declines that could lead to increased listings of threatened and endangered species. This CRP cover has the potential to intercept and store precipitation – of great value to the immediate landscape. Recovered wildlife populations are enjoyed by sportsmen and wildlife watchers across the nation generating millions of dollars and jobs for rural economies. Many producers also have opened up the land they have enrolled in CRP to public access for hunting, thus improving the relationship between landowners, state fish and wildlife agencies and the hunting public.

RE: State Lease #4615: Break 138 acres of CRP, 90 acres of tame pasture and 20 acres of native rangeland.

Fish Wildlife and Parks would not object to the break of existing CRP for this lease. What constitutes 'tame' pasture gives pause to question the necessity or the risk posed to wildlife species that use these acres – such action is not supported by FWP. And the further breaking of native rangeland is not warranted and in fact should be precluded, given the scarcity of said native rangeland in Liberty County compared to historic levels. Native rangelands and, likely, 'tame' pastures contribute significantly to wildlife abundance in the area well beyond their proportionate occurrence in the County. The tract is publicly accessible, therefore offering additional recreational opportunity to Montana sportsmen. The cumulative impacts of the conversion from CRP to small grain production on these DRNC and other private parcels will have long term detrimental impacts to recreational opportunity, upland game birds and non-game wildlife species in Liberty County.

Thanks for the opportunity to comment,

Sincerely,

Graham Taylor

*Graham Taylor
Regional Wildlife Manager
Montana Fish Wildlife and Parks
4600 Giant Springs Road
Great Falls, MT 59404
406-454-5840
gtaylor@mt.gov*

Nickol, Tony

From: Jane Holzer [msca@3rivers.net]
Sent: Tuesday, March 20, 2012 9:13 AM
To: Nickol, Tony
Subject: CRP questions

Tony - MSCA is responding to three requests for information relating to salinity potential with proposed CRP breaking.

1 - State Lease #4615 W2 Section 14 T31N R7E Liberty County

MSCA has no specific information for this lease, but there is obvious salinity in the area (SE 1/4) and this parcel appears to have had saline conditions along the eastern edge. This lease should have a field visit to confirm conditions before making a decision on breaking perennial forage anywhere in the W 1/2. MSCA could go to the field with you if requested. We have an soil EC meter that could be used if moisture conditions are adequate, otherwise soil samples should be taken and brought to MSCA office or sent to a lab. You would need soil samples at depth, not just at the surface, and take samples in the adjacent private field to confirm saline conditions that appear on the map.

2 - Lease #326 SW4 Section 3 T30N R6E Liberty County

MSCA has no specific information for this lease without a field visit. The photo and aerial map do not indicate saline conditions at this time in the cropland but there may be salinity in the riparian areas - can't be confirmed from the photo but there are white areas present.

3 - State Lease #4223 S2 Section 16 T28N R2E Pondera County

MSCA has no specific information for this lease. However, there is a whitish area associated with the pothole that could indicate this is a discharge pothole with influence from the adjacent cropland. MSCA could go to the field with DNRC if requested or soil sample as described in #1. There are previous saline projects in the vicinity of the Solid Road.

Jane Holzer
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