CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Lyndes-Boehm Land Banking Tract
Proposed Implementation Date:	Fall 2005
Proponent:	Jay Lyndes and Arthur & Mary Boehm Revocable Trusts (Grazing Co-Lessees)
Location:	Sale #338: Section 18, Township 7 North, Range 36 East that contains 628.72 acres
County:	Treasure County

I. TYPE AND PURPOSE OF ACTION

Offer for sale at public auction, 628.72 acres of State Land that is currently held in Trust for the benefit of Common Schools. Revenue generated from the sale of this parcel will be deposited into a special account to be used to purchase replacement lands meeting acquisition criteria related to legal access, productivity, potential income generation and potential for multiple use. The new parcel would then be held in Trust for the benefit of Common Schools. This proposed sale is being initiated through the Land Banking program (Montana Code Annotated 77-2-361 through 77-2-367) that was approved by the Legislature in 2003. The purpose of this program is to allow the Department of Natural Resources and Conservation to dispose primarily of parcels that are isolated and produce low income relative to similarly classified tracts and to allow the Department to purchase land with legal public access that can support multiple uses and will provide a rate of return equal to or greater than the parcels that were sold. Additionally, this program allows for the Trust land portfolio to be diversified, by disposing of grazing parcels that make up a majority of the Trust land holdings and acquire other types of land, such as croplands.

II. PROJECT DEVELOPMENT

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

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

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

A letter soliciting comments and explaining the proposed sale was sent to property owners adjoining the state parcel on 25 February 2005 and requesting that comments be submitted on the proposal by 28 March 2005.

A letter soliciting comments and generally explaining the land banking sale process was sent on 25 February 2005 to interested parties requesting that comments be submitted on the proposal by 28 March 2005. These interested parties included the following: members of the Land Banking Negotiated Rulemaking Committee; Treasure County Board of County Commissioners; Custer Rod & Gun Club; Colstrip Rod & Gun Club; Rosebud/Treasure Wildlife Association; US Fish and Wildlife Service; Miles City and Billings offices of the MT Department of Fish, Wildlife and Parks; Treasure County Farm Service Agency; Miles City and Billings offices of the US Bureau of Land Management; Tom Madden; and John Gibson. A complete list of individuals contacted is included on Attachment C of this EA. Two comments were received from this group and both dealt with the road that runs along the east section line. The concern was that this was a public road and provided public access to the tract. The Southern Land Office contacted numerous persons during the Preliminary Evaluation of the nomination, including the Treasure County Road Supervisor, and all whom were contacted indicated that the road in question was private and did not provide public access to the section.

A legal notice was published in the Hysham Echo on March 3 and 10, 2005 requesting that comments be submitted on the proposal by 28 March 2005. This notice also noted the time and location of the public meeting held in Forsyth on 22 March 2005 to take comments on the proposed land sales.

A legal notice was published in the Billings Gazette on 27 February 2005 and 6 March 2005 requesting that comments be submitted on the proposal by 28 March 2005. This notice also noted the time and location of the public meeting held in Forsyth on 22 March 2005 to take comments on the proposed land sales.

A public meeting was held on 22 March 2005 from 7 p.m. to 9 p.m. in Forsyth at the Haugo Center in Riverview Villa in conjunction with the Eastern Land Office to allow persons to comment on the proposed sale of land in Treasure, Rosebud and Custer Counties.

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

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Offer 628.72 acres of State Land for sale at public auction and subject to statutes addressing the sale of State Land found in M.C.A. 77-2-301 et seq. Proceeds from the sale would be deposited in the Land Bank Fund to be used in conjunction with proceeds from other sales for the purchase of other State Land, easements, or improvements for the beneficiaries of the respective trusts, in this case Common Schools.

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

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:
Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

No Impact. The existing use is expected to continue.

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 water resources on the property. No Impact is anticipated; the existing grazing use is expected to continue

6. AIR QUALITY:
What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

No Impact. The existing use is expected to continue.

7. VEGETATION COVER, QUANTITY AND QUALITY:
What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

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

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:
Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

This parcel of State Land is used by a variety of wildlife species typical of use on undeveloped land throughout Treasure County. Wildlife populations can be affected by land use activities associated with livestock grazing, residential development or agricultural practices. A variety of wildlife species including mule deer, antelope, fox, coyote and numerous non-game birds use the tract during various times of the year. A search of the Montana Natural Heritage Program database indicates there are extensive areas of sage grouse habitat in this part of Treasure County. This State Land is within known sage grouse habitat. The existing use is anticipated to continue and therefore, no direct or cumulative wildlife impacts are anticipated.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:
Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

The subject property is within Sage Grouse habitat and information from the Natural Resource Information System indicates that the parcel is located within 4 miles of a Sage Grouse lek; however, there are no known leks on the State Land. Sage Grouse are listed as a Sensitive species. The existing grazing use of the property is expected to continue and therefore no impacts are anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:
Identify and determine effects to historical, archaeological or paleontological resources.

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

11. AESTHETICS:
Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

No Impact. The existing use is expected to continue.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:
Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No Impact. The existing use is expected to continue.

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

This 628.72-acre tract is part of an initial proposed sale of state land not to exceed 20,000 acres within the state and under concurrent analysis. There are no known state or federal actions in the vicinity and no known future actions proposed by the state that would have cumulative impacts with this proposal.

IV. IMPACTS ON THE HUMAN POPULATION

- *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 Impact. The existing use is expected to continue.

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

No Impact. The existing use is expected to continue.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:
Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

No Impact. The existing use is expected to continue.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:
Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

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

18. DEMAND FOR GOVERNMENT SERVICES:
Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

No Impact. The existing use is expected to continue.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:
List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

The 2003 Treasure County Growth Policy does not contain a preferred land use map, but generally favors the location of any new development around existing towns (e.g., Hysham) and that the agricultural base of the County should be preserved. Based on these goals and the location of this parcel approximately 5 miles northwest of Hysham, it is assumed that the current grazing use of the parcel will continue and, therefore, there will be no impact.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:
Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

No Impact. The existing use is expected to continue.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:
Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

No Impact. The existing use is expected to continue.

22. SOCIAL STRUCTURES AND MORES:
Identify potential disruption of native or traditional lifestyles or communities.

No Impact. The existing use is expected to continue.

23. CULTURAL UNIQUENESS AND DIVERSITY:
How would the action affect any unique quality of the area?

No Impact. The existing use is expected to continue.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:
Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

This 628.72-acre parcel currently has a grazing lease for 132 Animal Unit Months (.21 acres/AUM) at a rate of $6.64/AUM. The total income generated from the tract was $723.36 or approximately $1.15/acre in 2004. The average annual income for the past 5 years has been $668.14 or $1.06/acre. Based on the DNRC Annual Report for Fiscal Year 2004, the average income for the 4.3 million acres of grazing land was $1.28/acre with an average productivity of .25 acres/AUM. Therefore, this tract is considered below average in productivity and producing below average revenue per acre.

An appraisal of the property value has not been completed to date. Under DNRC rules, the appraisal would be conducted after preliminary approval to proceed is granted by the Board of Land Commissioners and the Department is conducting more detailed evaluations in order to make a final determination on whether to offer the tract for sale. The revenue generated from the sale of this tract is intended to be combined with other revenue in the Land Banking Account to purchase replacement property for the benefit of the Trust. It is anticipated the replacement property would have legal access, which would provide greater management opportunities and income. Assuming an appraised vale of $50/acre, the current annual return on the asset value for this tract is 2.30%.

EA Checklist Prepared By:	**Name:**	Jeff Bollman, AICP	**Date:**	13 April 2005
	Title:	Area Planner, Southern Land Office		

V. FINDING

25. ALTERNATIVE SELECTED:

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

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

DNRC received two comments regarding the potential sale of this parcel. Both of these comments were regarding the road that runs along the eastern boundary of the tract. When this nomination was originally submitted, the Southern Land Office contacted the Treasure County Planning Board, Treasure County Road Supervisor and Treasure County Disaster and Emergency Services Coordinator regarding the road and questioned whether it was a County road or a private road. Additionally, the previous lessee, who also owns property adjacent to the tract, was contacted. All parties that were contacted indicated that it was a private road and that the public did not have legal access to the subject State land via this private road.

The tract does not have any unique characteristics or environmental conditions indicating the tract should necessarily remain under management by the Department of Natural Resources and Conservation. The parcel is located in Sage Grouse habitat, but the habitat area is very extensive and the sale of one section is not anticipated to have a negative cumulative impact considering that the existing grazing use is expected to continue on the parcel. Also, there are no indications the tract would produce substantially greater revenue or have substantially greater value to the trust in the near future. Therefore, the transfer of ownership of this 628.72-acre tract will not result in any significant effects to the human or natural environment.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

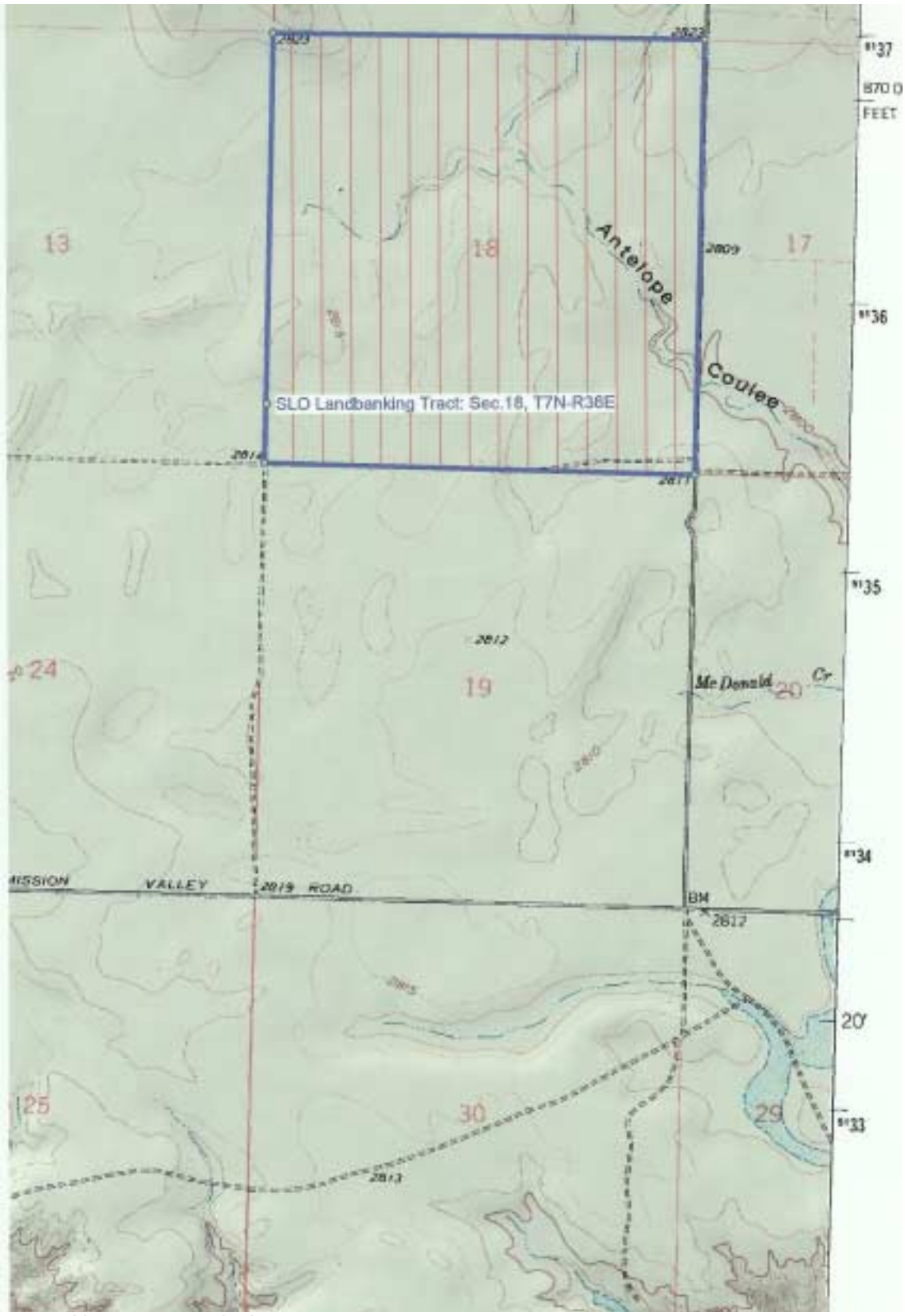
[ ] EIS	[ ] More Detailed EA	[X] No Further Analysis

EA Checklist Approved By:	**Name:**	Sharon Moore
	Title:	Area Manager, Southern Land Office
Signature:		**Date**:

Attachment A – Area Map

Mapped by: Gary Brandenburg

Attachment B – Property Map



Mapped by: Gary Brandenburg

Attachment C

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Bill Orsello or Stan Frasier

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Board of County Commissioners
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Hysham, MT 59038-0146

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

Bureau of Land Management
Miles City Field Office
P.O. Box 219
Miles City, MT 59301-0219

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