CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Nistler Land Exchange
Proposed Implementation Date:	May 2013
Proponent:	Eastern Land Office of the Department of Natural Resources and Conservation and Lawrence & Jean Nistler
Location:	1 mile North of Wibaux MT
County:	Wibaux

I. TYPE AND PURPOSE OF ACTION

The Eastern Land Office (ELO) of the Montana Department of Natural Resources and Conservation (DNRC) and Lawrence and Jean Nistler are proposing a land exchange of approximately 160 acres of state owned trust land for approximately 160 acres of private lands. Currently the Nistler's homesite is located on the state owned trust land offered for exchange and the Nistler's have a residential lease with the DNRC for this homesite. The exchange is proposed in order to provide the Nistler's ownership of the property on which their homesite is located as well as provide greater management flexibility between state and private land. Land management and recreational access would improve as a result of the exchange.

State Land Proposed for Exchange

County	Legal Description	# of Acres	Trust
Wibaux	SW4 Section 36 T15N-R59E	160	Common Schools
	Total Acres	**160**	

Private Land Proposed for Exchange

County	Legal Description	# of Acres
Wibaux	NW4 Section 36 T15N-R59E	160
Total Acres		**160**

II. PROJECT DEVELOPMENT

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

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

Letters were sent in August 2012 to resource professionals, adjacent landowners and other interested parties seeking comment on the proposed action. A public notice was placed in the Wibaux Pioneer-Gazette and ran for two consecutive weeks. No comments were received as a result of the initial scoping notices. A public hearing was conducted in Wibaux MT on May 9th, 2013. No comments were received at the public hearing.

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

DNRC Water Rights Division, transfer of water rights
Montana Department of Transportation has a right of way easement with the DNRC for Highway 261 this right of would be unchanged by this exchange.

3. ALTERNATIVES CONSIDERED:

NO ACTION: Current land use activities of haying, grazing, and recreation would continue without change. Nistler's would continue to maintain a residential lease with the DNRC
LAND EXCHANGE ALTERNATIVE: This alternative would exchange approximately 160 acres of state owned trust land for approximately 160 acres of private lands.

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 direct, indirect or cumulative impacts to geological or soil resources are anticipated.

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.

DNRC and the Nistlers would transfer existing water rights.
Beaver Creek flows through both parcels being considered for exchange. No direct, indirect or cumulative impacts are anticipated.

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

No direct, indirect or cumulative impacts to air quality are anticipated as a result of the exchange.

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.

Existing land use patterns are expected to continue after the exchange on the 160 acres that will become state land. Existing land use for the 160 acres that will become private is also unlikely to change.

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.

Beaver Creek and the surrounding uplands associated with the 160 acres of private land that will be transferred to state ownership provide quality habitat for a variety of game and nongame species. Approximately .63 acres of the 160 acres of state land that would be transferred to private ownership is currently leased by the Nistlers as a residential lease with a homesite and associated buildings which holds little value to wildlife. The remaining acreage of this parcel provides quality habitat for a variety of game and nongame species. No cumulative impacts on terrestrial, avian, and aquatic habitats are likely to occur as a result of the proposed action.

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

A search of the Natural Heritage Database shows that 2 species of concern, Northern Leopard Frog and Sharp Tail Grouse have been noted in the general area of this proposed exchange. The current land use is not

expected to change or be disturbed, so no impact to these species is anticipated. There are no limited environmental resources within this area.

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

The DNRC archeologist was consulted regarding the exchange and following are his findings and comments: The tract was inventoried for cultural resources in 1996. At that time one archaeological property was documented (24WX122). Based on two stone projectile points recovered from the heavily eroded ground surface, the site appears to date to the Late Prehistoric Period (ca. 1,000- 220 years before present). The site has been re-inspected several times since 1996—the most current being in 2012. It appears that the most productive part of the site has largely or wholly eroded due to flooding events of Beaver Creek. Very few chipped stone materials were noted over the past decade, and the partial clam shell midden exposed in the cut bank of Beaver Creek no longer exists. Further, there is no evidence of dateable cultural materials remaining in the site today.
Transferring the tract containing site 24WX122 from state ownership will not change the land use or management of the resource. Further, because the archaeological site does not appear to retain the kinds and quantities of cultural materials that would make it potentially eligible for listing in the National Register of Historic Places, transferring the resource to private ownership will have No Effect to Heritage Properties.

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 proposed land exchange will not affect area aesthetics. No direct, indirect or cumulative impacts to area aesthetics is anticipated as a result of the exchange.

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 project would not use resources that are limited in the area. No direct, indirect or cumulative impacts to historical or archeological sites is anticipated as a result of the exchange

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.

No other state or federal actions are known in this area. No studies or plans are known to exist for these tracts.

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.

A search of Montana Department of Environmental Quality websites found no documented underground fuel storage tanks, abandoned mines or the presence of any other hazardous material that would pose any environmental concern. Informal interviews with adjacent landowners as well as information provided in the Seller's Disclosure Statement also provided no evidence of the existence of any hazardous substances and or

petroleum product storage. No adverse direct, indirect or cumulative impacts to human health and safety are anticipated as a result of the exchange.

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

Existing land use practices are expected to continue after the exchange.
No direct, indirect or cumulative impacts to industrial, commercial or agricultural activities is anticipated as a result of the exchange

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 land exchange will not impact employment.
No direct, indirect or cumulative impacts to employment is anticipated as a result of the exchange

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.

State trust land is tax exempt. As a result of the exchange one 160 acre parcel will become tax exempt when transferred from private to state ownership. The 160 acres of land transferred from state to private ownership will become taxable. On balance the exchange should result in no change in taxable value.
No direct, indirect or cumulative impacts to the local or state tax base are anticipated as a result of the exchange.

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 little to no effect on government services as a result of the proposed exchange.
No direct, indirect or cumulative impacts to the demand for government services is anticipated as a result of the exchange

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.

There are no known environmental plans or goals involving the area.
No direct, indirect or cumulative impacts to locally adopted environmental plans or goals are anticipated as a result of the exchange

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 160 acres of private land that would be transferred to the state as a result of the proposed exchange would be accessed by the public by an existing state land parcel and county road on the east side of that parcel.

The 160 acres of state land proposed to be transferred to private ownership is accessible to Highway 261 but due to existence of a residential lease and associated inhabited dwelling this parcel is categorically closed to recreational use.

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 proposed exchange would result in no change in population or housing.
No direct, indirect or cumulative impacts to population or housing is anticipated as a result of the exchange

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

No impacts would be expected with either alternative.

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

No impacts would be expected with either alternative.

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 approximate 127 acres of private hay land, if leased as a cash lease would yield an estimated $15/acre. The 33 acres of grazing land combined with aftermath grazing on the hay land would support approximately 40 AUM's valued at the state minimum rental of $9.94/AUM. Thus, the hay land is expected to bring $2,100 and the grazing land $398 for a total projected annual income of $2,498.

The 55 acres of hay land on the state land with a cash lease of $15/acre returns $825. The 104.37 acres of grazing land and hay aftermath supports approximately 36 AUM's. The 36 AUM's at the current grazing rate for this parcel of $9.94/AUM returns$358. The .63 acre homesite lease returns $250. The total annual income to the trust from this parcel is $1,433.

EA Checklist Prepared By:	**Name:**	Chris Pileski	**Date:**	May 10,2013
	Title:	Area Manager		

V. FINDING

25. ALTERNATIVE SELECTED:

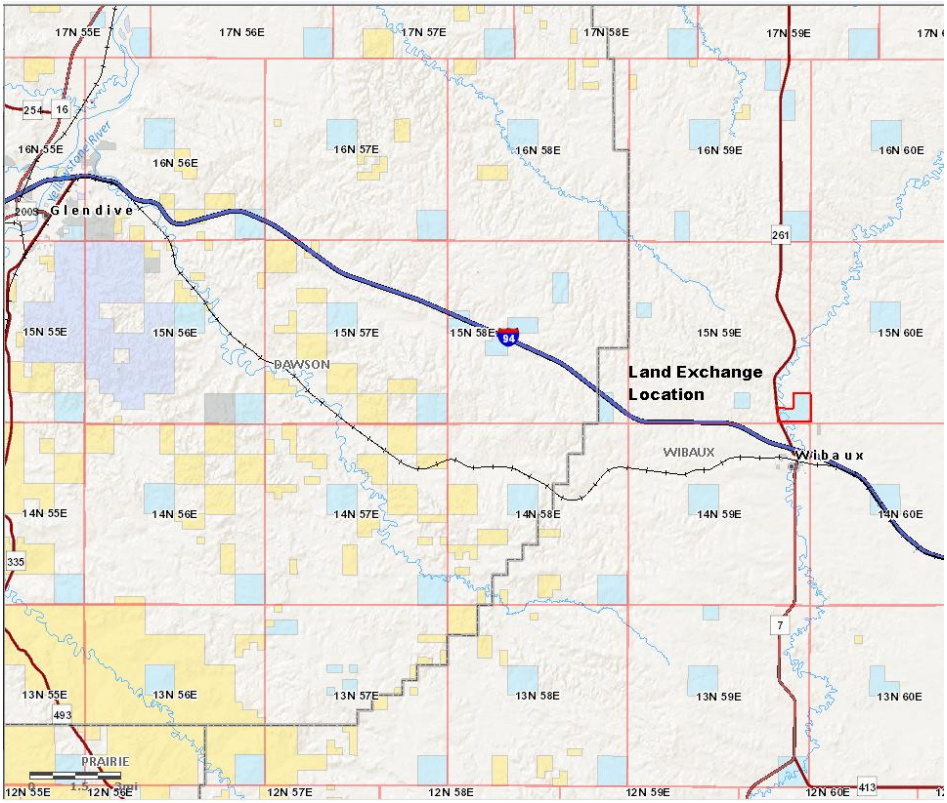
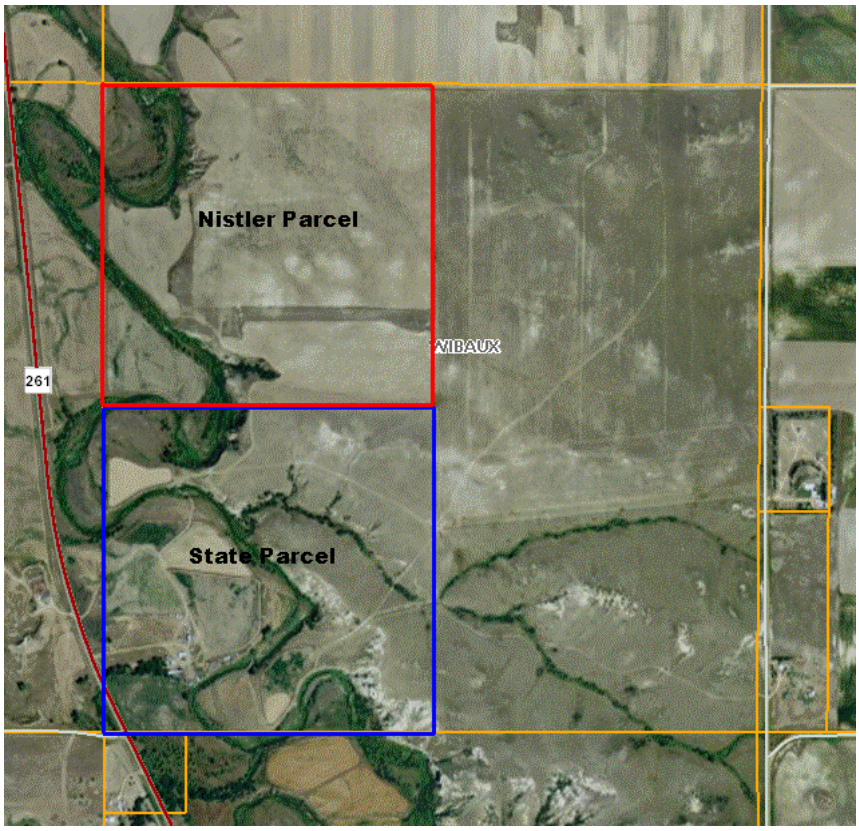
Action, DNRC will recommend approval of exchange of the subject lands to the Board of Land Commissioners

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

No significant impact.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

	EIS		More Detailed EA	X	No Further Analysis

EA Checklist Approved By:	**Name:**	Chris Pileski		
	Title:	Area Manager		
Signature:	/s/ Chris Pileski		**Date**:	May 10, 2013

LOCATION MAP NISTLER LAND EXCHANGE