

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Merle Morris Easement
Proposed Implementation Date:	Spring 2024
Proponent:	Merle D., Rosanna G. & Tucker J. Morris, PO Box 609, Augusta, MT 59410
Location:	SW4NW4, NW4SW4 of Section 17, T22N, R7W
County:	Teton
Trust:	Common Schools (CS)

I. TYPE AND PURPOSE OF ACTION

DNRC - Conrad Unit has received an easement application for access across state land to private land. The purpose of the easement is to allow access to private land for general farm, ranch and a single residence. The proposal includes use of an existing road that crosses 1771.11 feet of state land in section 17 (1.41 acres). The road easement is needed in order for the applicant to have legal access to private property.

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 Easement is located on state-owned land, and the Morris family is the proponent. Agencies involved in the permitting process include the DNRC – Trust Land Management Division – Real - Estate Management Bureau.

Grazing: Surface Lessee – Lease # 7320 – Merle and Rossana Morris

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

There are no other agencies with jurisdiction on this project.

3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Deny the road access easement application.

Alternative B (the Proposed action) – Grant / approve the road access easement application.

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.

Soils and geology in this area are suitable for access and road use. The applicant has indicated that the access route will not be further developed or utilized beyond normal ranching activities. Cumulative impacts on soil resources are not likely.

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.

The proposed action is not expected to impact water quality, quantity, or distribution in the area. No immediate or cumulative effects on water resources are expected.

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.

There are no non-attainment areas located on or near the Project, per the Environmental Protection Agency (EPA) Nonattainment area maps (NEPAssist, 2023). The proposed activities will not result in any new air emissions. It is not anticipated that the Easement would result in negative cumulative effects on 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.

The access route traverses classified grazing land / native rangeland. Vegetation includes native grasses, forbs and shrubs constant with the rocky mountain front vegetation. The applicant has indicated that the existing 2-track access route will not be further developed. Existing vegetation will not be disturbed and therefore no long-term impacts to the existing vegetation is expected.

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 area along the Rocky Mountain Front is considered prime wildlife habitat. Grizzly bear, black bear, elk and mule deer are the main large species that utilize this area. This tract may provide habitat for other big game species (whitetail deer, pronghorn antelope), predators (wolf, coyote, fox, badger), upland game birds (sharp tail grouse, Hungarian partridge), other non-game mammals, raptors and various songbirds. The proposal does not include any land use change which would yield changes to the wildlife habitat. The proposed action will not impact wildlife forage, cover, or traveling corridors. Nor will this action change the juxtaposition of wildlife forage, water, or hiding and thermal cover. The applicant has indicated that they intend to sell a conservation easement on private land and the land use would remain as undeveloped grazing land. There are no unique or critical wildlife habitats associated with the state tract and we do not expect direct or cumulative wildlife impacts would occur as a result of implementing the proposal. The proposed action will not have long-term negative effects on existing wildlife species and/or wildlife habitat because of its relatively small scale.

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.

Species of Concern/Threatened/Endangered:

Federally listed mammal species that occur in Montana include Black-footed Ferret (*Mustela nigripes*), Canada Lynx (*Lynx canadensis*), Grizzly Bear (*Ursus arctos horribilis*), and Northern Long-eared Bat (*Myotis septentrionalis*). Federally listed avian species that occur in Montana include Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), and Yellow-billed Cuckoo (*Coccyzus americanus*). For additional information and additional species (fish, plants, & insects) see

<https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=MT&stateName=Montana&statusCategory=Listed>

The National Heritage Program database identifies various species as species of concern within Section 17, T22N, R78W, Species of Concern included:

Long-billed Curlew (*Numenius americanus*)

Ferruginous Hawk (*Buteo regalis*)

Grizzly Bear (*Ursus arctos*)

Wetlands:

The National Wetland Inventory (NWI) identified one Freshwater Emergent Wetland habitat (Split Rock Lake) with a classification code of PEM1C approximately <.25 miles east of the Easement. For a complete description of wetland classification codes, go to <https://www.fws.gov/wetlands/data/Mapper.html>.

The easement is not expected to impact wildlife or species of concern in the area. Project will not significantly impact wildlife forage, cover, or travel corridors. Nor will this action change the juxtaposition of wildlife forage, water, or hiding and thermal cover. The easement is not expected to have negative cumulative effects on unique, endangered, or fragile environmental resources.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE, but it should be noted that Class III level inventory work has not been conducted there to date.

Because the subject road is existing and no road modification will occur, no additional archaeological investigative work will be conducted in response to this proposed development.

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 Easement is located approximately 13 miles northwest of Augusta, Montana and is legally accessible. The proposed action will not change the aesthetics of the landscape.

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 on 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 easement. The proposed action is not expected to have cumulative impacts on environmental resources.

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.

Surrounding land is privately owned by the proponent or owned by the state of Montana under State Grazing Lease. The proponent intends to sell a conservation easement to the US-FWS to prevent future development of the private land. Therefore, any future development in the area will likely be restricted by the conservation easement.

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

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The proposed action will not impact human health and safety.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

The easement is not expected to impact industrial, commercial or agricultural activities in the area.

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 affect the quality and distribution of employment in the area. The Project would not result in any new jobs nor eliminate any, therefore negative cumulative effects on the employment market are not expected.

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 not add to tax revenue. No cumulative impacts to tax revenues are expected.

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

This project will not add demand for government services. The project is not expected to have negative 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 Easement follows State and County laws and will be authorized under the DNRC easement approval process. 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.

The Easement is legally accessible to the public via adjacent state land and has recreational value for hunting. The proposed action is not expected to impact general recreational activities on this or adjacent state land. The Easement is not expected to have negative cumulative effects on recreational and wilderness activities.

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 Easement will not require additional housing and is not expected to have negative cumulative effects on population and housing.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

The proposed action will not alter the social structure of surrounding native communities. The Project is consistent with the surrounding land use, therefore, negative cumulative effects on native or traditional lifestyles or communities are not expected.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The Project will not result in any new activities to occur in the area and therefore it is not expected to have negative cumulative effects on the unique quality 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 applicant will pay a one-time fee based upon fair market values for the easement, estimated to be \$1000/acre. The Easement will benefit the Common School Trust in terms of a one-time fee for the easement. The Easement will not impede the existing production and use of State Land Grazing Lease.

**EA Checklist
Prepared By:**

Name:



Erik Eneboe

Date: 3/4/2024

Title:

Conrad Unit Manager, Central Land Office

V. FINDINGS

25. ALTERNATIVE SELECTED:

Alternative B (the Proposed action) – Recommend approval of the road access easement application.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

This MEPA document analyzes the proposed action of issuing a permanent easement for the purpose of access on an existing road across State Trust Land to private land for general farm, ranch and a single residence. This analysis provides adequate information to make the informed decision that no significant potential impacts will occur from selecting the proposed action.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

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No Further Analysis

EA Checklist Approved By:	Name: Andy Burgoyne
	Title: Trust Lands Manager, CLO, DNRC
Signature:  Date: March 5, 2024	

Easement Location Map

