

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Leber Right of Way Easement Across State Land
Proposed Implementation Date:	Spring 2024
Proponent:	Darrin R. Leber & Sandra I. Leber
Location:	SE4SW4, Section 21, T21N, R6W & SE4SW4, Section 22, T21N, R6W
County:	Teton
Trust:	Capitol Buildings (CB)

I. TYPE AND PURPOSE OF ACTION

Darrin R. & Sandra I. Leber (Leber) requested a Right of Way (ROW) easement across state lands for an existing road that leads to Leber's private residence, referred to herein as the "Project". The location of the Project is within the SE4SW4 of Section 21 and the SE4SW4 of Section 22, T21N, R6W. The Project will provide access to Leber's private residence via an existing road that is approximately 0.27 miles in length and encompasses 0.97 acres, see **Exhibit A**, Project Location Map and **Exhibit B**, Easement Maps. The ROW easement will allow access to Leber's private residence located in the PT. NESW INDIAN HEIGHTS LOT 31 REF: BK 107D PG 284 of Section 20, T21N, R6W.

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 Project is located on state-owned land and Darrin R. & Sandra I. Leber are the proponents. Agencies involved in the permitting process include the Montana Department of Natural Resources and Conservation, (DNRC) – Trust Land Management Division and DNRC – Real Estate Management Bureau

Surface Lessee:

NW4NE4, E2NW4, SE4SW4, Section 21, T21N, R6W – Lease No. 6731 – Blenton Ranch Co.
S2SW4, Section 22, T21N, R6W – Lease No. 6731 – Blenton Ranch Co.

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. The Project will be permitted under a Right of Way Easement in State Lands.

3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Deny Leber the requested ROW easement for access and maintenance purposes to his private residence.

Alternative B (the Proposed action) – Grant Leber the requested ROW easement for access and maintenance purposes to his private residence.

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.

Soil Properties:

There are three types of soils found within the Project footprint.

(327C) Beanlake-Winspect cobbly loams, 2 to 15 percent slopes

These soils consist of very deep (more than 80 inches), well-drained soils. These soils are found within moraines and hills. Available water supply, 0 to 60 inches is about 8.5 inches (Beanlake) and about 6.3 inches (Winspect); the mean annual precipitation for the region is 15 to 19 inches (MT657 – Soil Survey of Choteau – Conrad Area; Parts of Teton and Pondera Counties, Montana, Part I).

(327E) Winspect-Beanlake cobbly loams, 15 to 35 percent slopes

These soils consist of very deep (more than 80 inches), well-drained soils. These soils are found within moraines and hills. Available water supply, 0 to 60 inches is about 6.3 inches (Winspect) and about 8.5 inches (Beanlake); the mean annual precipitation for the region is 15 to 19 inches (MT657 – Soil Survey of Choteau – Conrad Area; Parts of Teton and Pondera Counties, Montana, Part I).

(776C) Delpoint-Cabbart-Rootel loams, 2 to 15 percent slopes

These soils consist of moderate to shallow soils that are approximately 20 to 40 inches to paralithic bedrock (Delpoint & Rootel) and approximately 10 to 20 inches to paralithic bedrock (Cabbart), and which are well-drained. These soils are found within hills and plains. Available water supply, 0 to 60 inches is about 4.9 inches (Delpoint), about 2.5 inches (Cabbart), and about 4.5 inches (Rootel); the mean annual precipitation for the region is 15 to 19 inches (MT657 – Soil Survey of Choteau – Conrad Area; Parts of Teton and Pondera Counties, Montana, Part I).

Soil Stability:

K – Factor (Whole Soil):

Soils identified within the Project footprint have a Soil Erodibility (K) Factor of 0.15 (327C & 327E) and 0.25 (776C) (MT657 – Soil Survey of Choteau – Conrad Area; Parts of Teton and Pondera Counties, Montana, Part I). The K Factor range is 0.02 to 0.69 (0.69 being the most susceptible to sheet and rill erosion by water.) The K Factor is low for the Project site which indicates a low susceptibility to erosion by water.

Wind Erodibility Group:

Soils identified within the Project footprint have a Wind Erodibility Group (WEG) of 7 (327C), 5 (327E), and 4 (776C) (MT657 – Soil Survey of Choteau – Conrad Area; Parts of Teton and Pondera Counties, Montana, Part I). The WEG range is 1 – 8 (1 being the most susceptible to wind erosion and 8 being the least susceptible). The WEG is moderate to low for the Project site which indicates a moderate to low susceptibility to erosion by wind.

Suitabilities and Limitations for Use:

Unpaved Local Roads and Streets:

The soils identified within the Project footprint were identified as “somewhat limited” (327C & 776C) and “Very Limited” (327E) (MT657 – Soil Survey of Choteau – Conrad Area; Parts of Teton and Pondera Counties, Montana, Part I). “The properties and qualities that affect the ease of excavation and grading are hardness of bedrock or a cemented pan, depth to bedrock or a cemented pan, depth to a water table, flooding, the amount of large stones, and slope. The properties that affect traffic-supporting capacity are soil strength as inferred from the

AASHTO group index and the Unified classification, subsidence, shrink-swell behavior, potential frost action, and depth to the seasonal high-water table. The dust generating tendency of the soil is also considered”.

Determination:

Effect, Not Likely to Adversely Effect. The Project resulted in a permanent disturbance of approximately 0.97 acres more than 30 years ago with the road being well-maintained and with no current issues. The Project does not propose any future disturbance just maintenance activities. Given the nature of the Project, operation and maintenance of the road will be restricted to the easement area, the soil's low susceptibility to erosion, and the suitability to construct unpaved local roads and streets, the Project is not expected to have negative cumulative effects on soil.

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.

Surface or Groundwater Resources:

The Project is located app. between 144 and 274 feet from the Sun River in section 21 with an app. elevation loss between 23 feet and 32.8 feet between the Project and the Sun River. The Project is located app 1,046 feet from the Sun River in section 22 with an approximate elevation gain of 17 feet between the Project and the Sun River. There is one known Place of Use water rights within the Project location used for stock (41K 30103792) in section 21 and no known water rights within the Project location in section 22. For additional information go to <https://gis.dnrc.mt.gov/apps/WRQS/>

Determination:

Effect, Not Likely to Adversely Effect. The Project is located within 200 feet of the Sun River which could potentially be impacted through stormwater runoff by rains transferring sediment from the road to the river. However, it is unlikely that the impact would be significant as the road is over 30 years old with hard compacted soils, the area from the road to the Sun River contains natural vegetation and will act as a buffer zone, and the Floweree Canal that is adjacent to the Sun River may also capture sediment. It is unlikely that the Project will have an impact on any existing Place of Use water rights and therefore, the Project is not expected to have negative cumulative effects on water quality.

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.

Air Quality:

There are no Nonattainment areas located on or near the Project, per the Environmental Protection Agency (EPA) Nonattainment area maps (NEPAssist, 2024). The proposed activities will not result in any new air emissions.

Determination:

No Effect. It is not anticipated that the Project 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.

Vegetative Community:

Vegetation around the Project site consists of native rangeland which contains Western Wheatgrass (*Pascopyrum smithii*), Green Needlegrass (*Nassella viridula*), Bluebunch Wheatgrass (*Pseudoroegneria spicata*), Indian Rice Grass (*Oryzopsis hymenoides*), Blue Grama (*Bouteloua gracilis*), Sandberg Bluegrass (*Poa secunda*), Prairie Junegrass (*Koeleria macrantha*), Threadleaf Sedge (*Carex filifolia*), Needle and Thread (*Hesperostipa comata*), Fringed Sagewort (*Artemisia frigida*), Silver Sagebrush (*Artemisia cana*), Western Snowberry (*Symphoricarpos occidentalis*), Creeping Juniper (*Juniperus horizontalis*), Skunkbush Sumac (*Rhus trilobata*), and various forbs. Invasive species include Crested Wheatgrass (*Agropyron cristatum*), Cheatgrass (*Bromus tectorum*),

Broomsnake Weed (*Gutierrezia sarothrae*), and various invader forbs. See **Exhibit C** -The Natural Heritage Program Environmental Species Report for information on Species of Concern within the Project area.

Determination:

Effect, Not Likely to Adversely Effect. The Project resulted in a permanent disturbance of approximately 0.97 acres more than 30 years ago with the road being well-maintained and with no current issues. The Project does not propose any future disturbance just maintenance activities. Given the nature of the Project and that operation and maintenance of the road will be restricted to the easement area, negative cumulative effects on vegetative resources are not 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.

Habitat:

The Project site is not considered Critical Habitat per the EPA. The surrounding area provides habitat for a variety of big game species, predators, upland game birds, other non-game mammals, birds of prey, and various songbirds.

Determination:

Effect, Not Likely to Adversely Effect. The Project has the potential to impact wildlife temporarily through the operation and maintenance of the road. However, given the nature of the Project and that operation and maintenance of the road will be restricted to the easement area, it is not likely that the Project would impact wildlife forage, cover, or travel corridors. Nor does this action change the juxtaposition of wildlife forage, water, or hiding and thermal cover. Overall, the Project is not expected to have negative cumulative effects on wildlife or habitat.

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>

For Species of Concern, see **Exhibit C** - The National Heritage Program Environmental Species Report.

Wetlands:

The National Wetland Inventory (NWI) does not identify a wetland within or near the Project footprint, see Exhibit D- Wetlands map for additional information.

Determination:

Effect, Not Likely to Adversely Effect. The Project has the potential to impact wildlife temporarily through the operation and maintenance of the road. However, given the nature of the Project and that operation and maintenance of the road will be restricted to the easement area, it is not likely that the Project would impact wildlife forage, cover, or travel corridors. Nor does this action change the juxtaposition of wildlife forage, water, or hiding and thermal cover. Overall, the Project is not expected to have negative cumulative effects on wildlife or habitat.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Historical and Archeological Sites:

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the 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 revealed that no cultural or paleontological resources have been identified in the APE.

Determination:

Because the area of potential effect on state land is cultivated, because the Holocene age soils in the APE are relatively thin, and because the local geology is not likely to produce caves, rock shelters, or sources of tool stone, no additional archaeological investigative work will be conducted in response to this proposed development. However, if previously unknown cultural or paleontological materials are identified during project-related activities, all work will cease until a professional assessment of such resources can be made.

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.

Visual and Noise:

The Project is located approximately 4.00 miles north of Augusta, Montana (population 238) and access is via Young Road through Hwy 287.

Determination:

No Effect. The Project resulted in a permanent disturbance of approximately 0.97 acres more than 30 years ago with the road being well-maintained and with no current issues. The Project does not propose any future disturbance just maintenance activities. Given the nature of the Project and that operation and maintenance of the road will be restricted to the easement area, negative cumulative effects on aesthetics are not expected.

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.

No Effect. The Project does not propose the use of limited natural resources and 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 owned by the state and used as grazing land under State Lease No. 6731. Any future development in the area will likely be restricted to utility or mineral development, with minimal impacts to the surface. Future development of projects are not expected to have negative cumulative effects.

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.

No Effect. The Project resulted in a permanent disturbance of approximately 0.97 acres more than 30 years ago with the road being well-maintained and with no current issues. The Project does not propose any future disturbance just maintenance activities. Given the nature of the Project and that operation and maintenance of the

road will be restricted to the easement area, negative cumulative effects on human health and safety are not expected.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

Land Use:

The current land use on which the road easement is proposed consists of 110 grazing acres and 10 unsuitable acres.

Legal	Grazing Acres	Unsuitable	Total
SE4SW4, T21N, R6W, 21	37	3 – Floweree Canal	40
S2SW4, T21N, R6W, 22	73	7 – Hwy 287 & Young Road	80

Production:

The Project will benefit the Capitol Buildings Trust in terms of a one-time fee of \$970.00. The Project will not impede the existing production of State Leases No. 6731

Determination:

Effect, Beneficial Effect. The Project is expected to increase revenues through a one-time fee to the Capitol Buildings Trust. The Project is not expected to have negative cumulative effects on current or future land use activities.

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.

Determination:

No Effect. The Project would not result in any new jobs nor eliminate any, therefore negative cumulative effects to 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.

Revenues:

See **Section 15** above.

Determination:

Effect, Beneficial Effect. The Project is expected to increase production through a one-time fee to the Capitol Buildings Trust. The Project is not expected to have negative cumulative effects on taxes and/or revenues.

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

Demand for Government Services:

The Project is accessed by Young Road by Hwy 287. The Project resulted in a permanent disturbance of approximately 0.97 acres more than 30 years ago with the road being well-maintained and with no current issues. The Project does not propose any future disturbance just maintenance activities. Given the nature of the Project and that operation and maintenance of the road will be restricted to the easement area additional government services (e.g. fire protection, police, schools, etc.) are not required. There will be no excessive stress placed on the existing infrastructure of the area.

Determination:

No Effect. Future Project activities are not expected to impact traffic, increase demand for government services, or place excessive stress on the existing infrastructure of the area. Therefore, 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.

Determination:

No Effect. The Project is in compliance with State and County laws. The Project will be granted under an easement issued by the DNRC. 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.

Legal Access and Recreation Opportunities:

The SE4SW4 of Section 21, T21N, R6W is not legally accessible to the public while the S2W4 of Section 22, T21N, R6W is legally accessible via Young Road by Hwy 287. The Project itself is considered a private access road that is not open to the public. Recreation potential consists of hunting in section 22.

Determination:

No Effect. The Project will not result in any new permanent impacts on the surface of the land, impact access, or recreational opportunities on the legally accessible tract in section 22. The Project 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

Determination:

No Effect. The Project 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.

Social Structures:

The Project is not located within 10 miles of a Hutterite Colony or a Native American Nation. No archeological sites were identified within the Project footprint.

Determination:

No Effect. 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?

Determination:

No Effect. 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 Project will benefit the Capitol Buildings Trust in terms of a one-time fee of \$970.00. The Project will not impede the existing production of State Lease No. 6731.

Any future development in the area will likely be restricted to utility or mineral development, with minimal impacts to the surface. Future development of projects is not expected to have negative cumulative effects.

EA Checklist Prepared By:	Name: Michaela Kalinowski	Date: 3/21/2024
	Title: Land Use Specialist, Conrad Unit, Central Land Office	

V. FINDINGS

25. ALTERNATIVE SELECTED:

Alternative B (the Proposed action) – Grant Leber the requested ROW easement for access and maintenance purposes to their private residence.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

No significant impacts are expected.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis


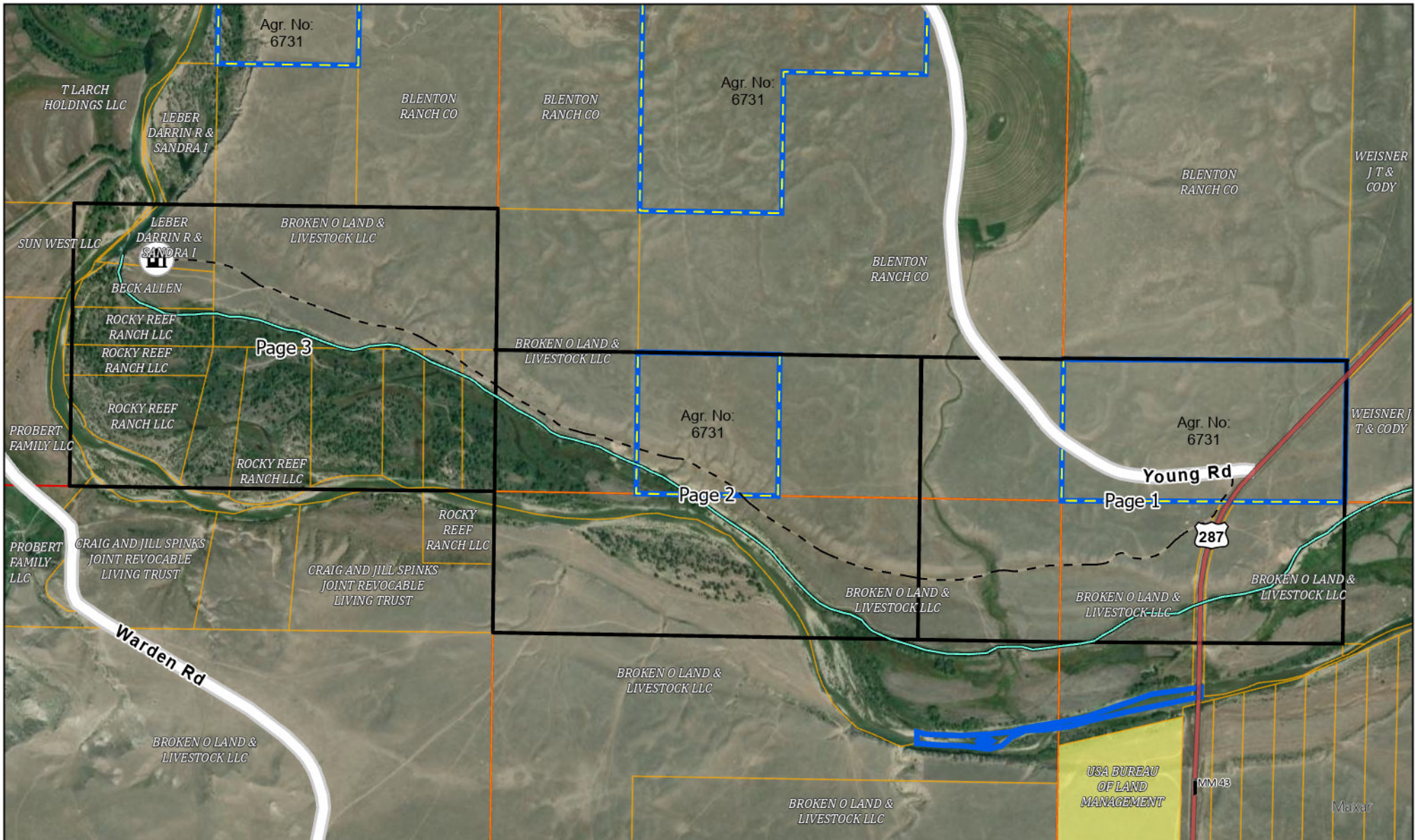
EA Checklist Approved By:	Name: Erik Eneboe
	Title: Conrad Unit Manager, CLO, DNRC
Signature: 	Date: March 27, 2024

Exhibit A
Project Location Map

Leber ROW Easement Across State Land



- Proposed ROW Easement
- Leber Resident
- Floweree Canal
- DNRC Agreement Tracts
- DNRC Surface Tracts
- US Bureau of Land Management

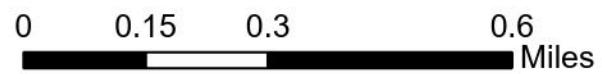
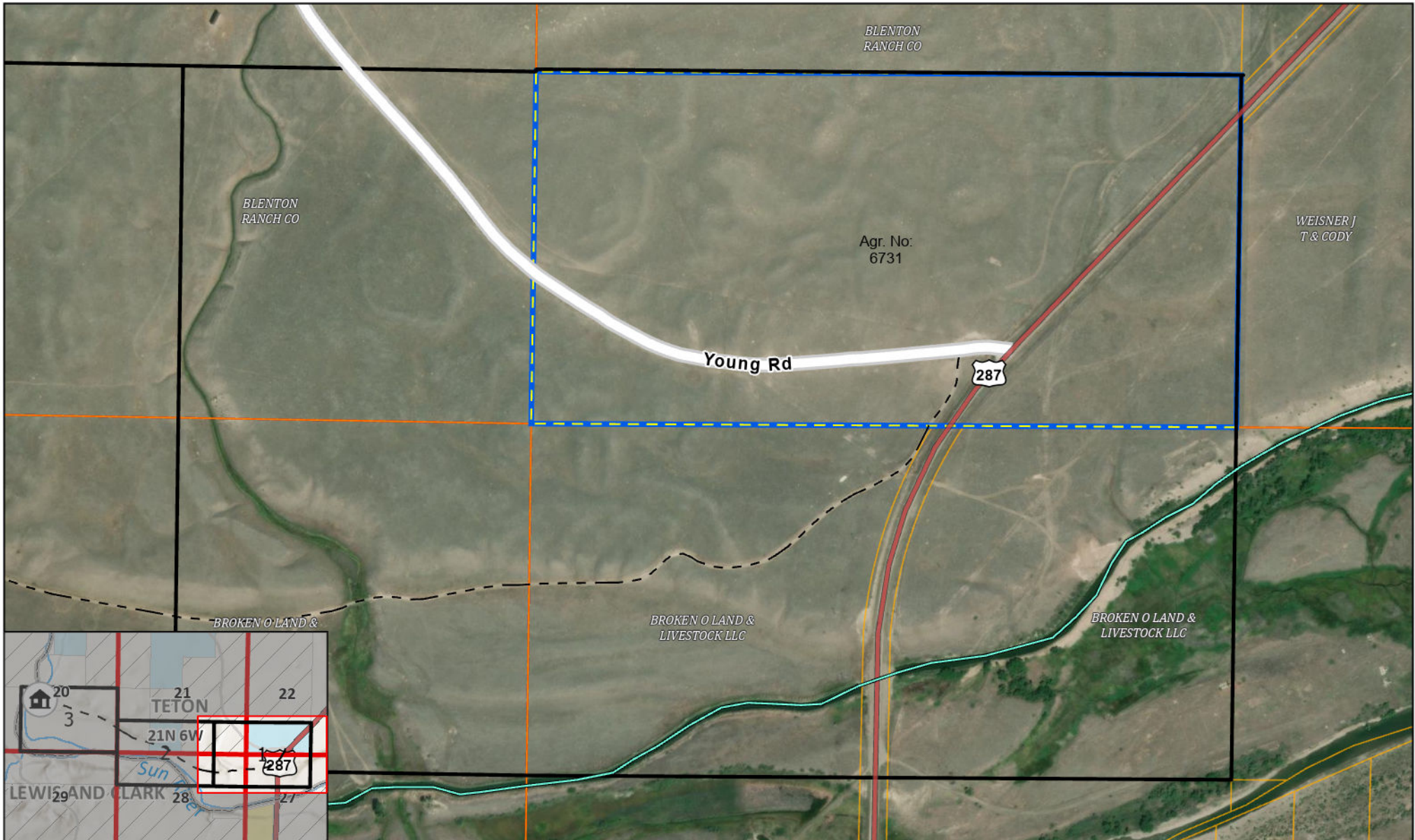



Exhibit A- Project Location Overview Map



Leber ROW Easement Across State Land



----- Proposed ROW Easement  DNRC Agreement Tracts

 Floweree Canal  DNRC Surface Tracts

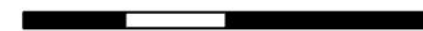
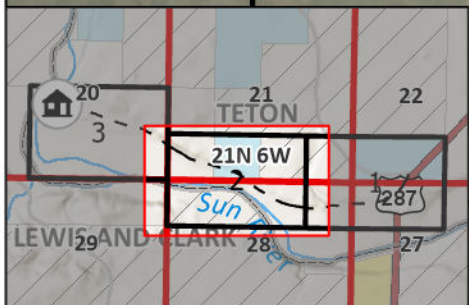
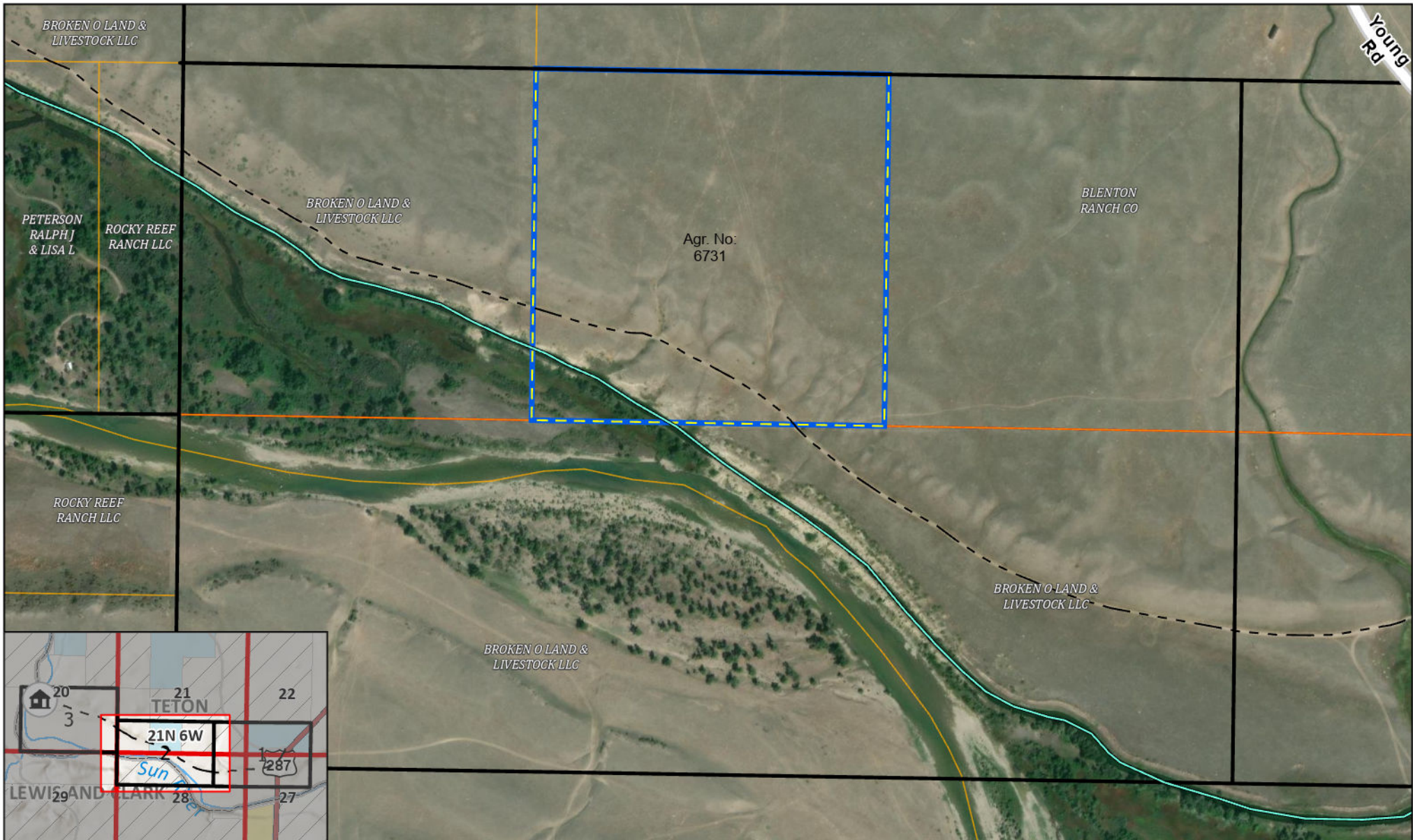
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Exhibit A- Project Location

Page 1



Leber ROW Easement Across State Land



- Proposed ROW Easement
- DNRC Agreement Tracts
- Floweree Canal
- DNRC Surface Tracts

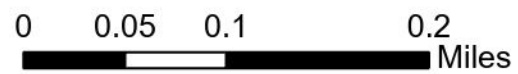


Exhibit A- Project Location

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Leber ROW Easement Across State Land

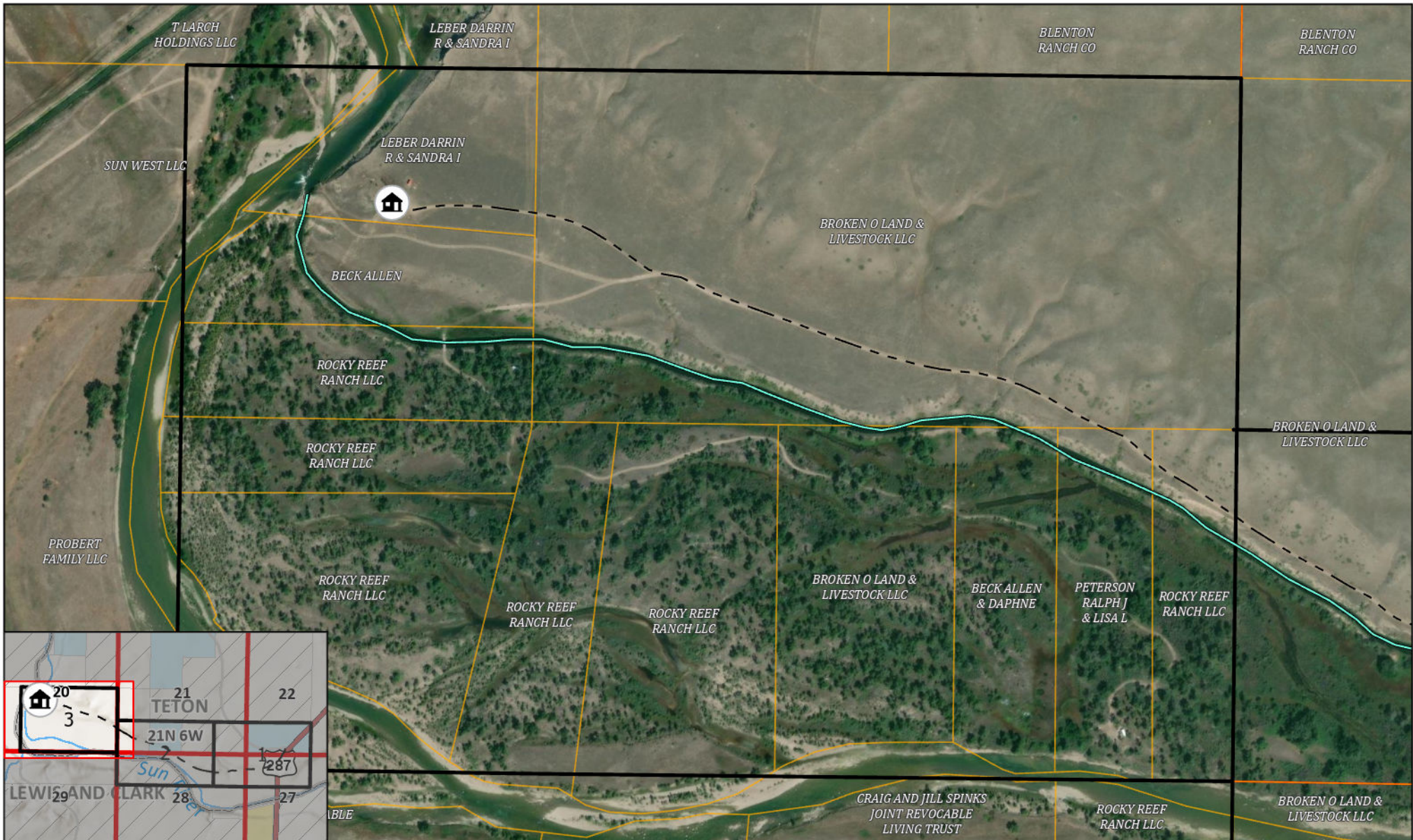


Exhibit A- Project Location

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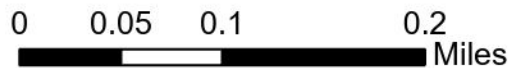
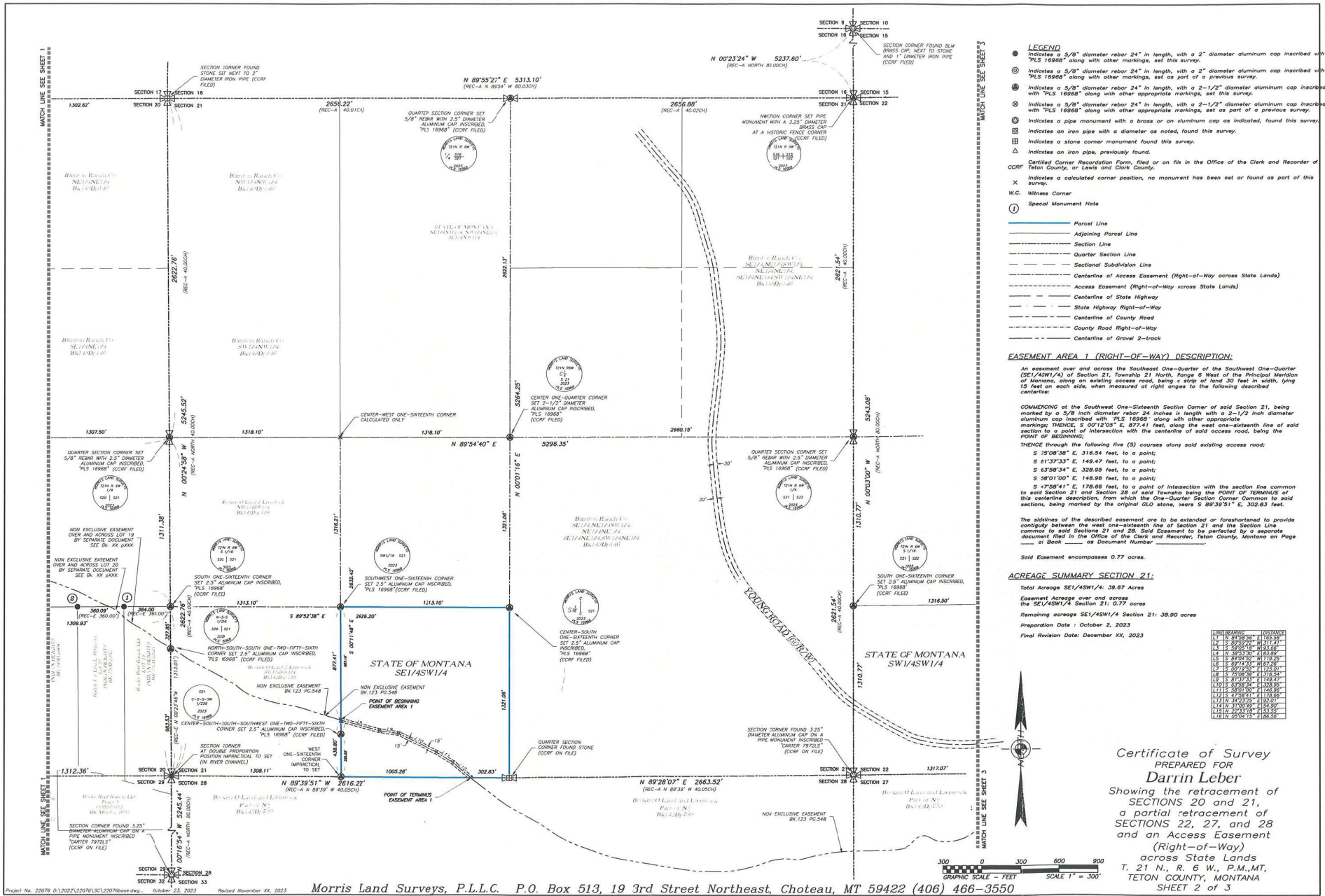
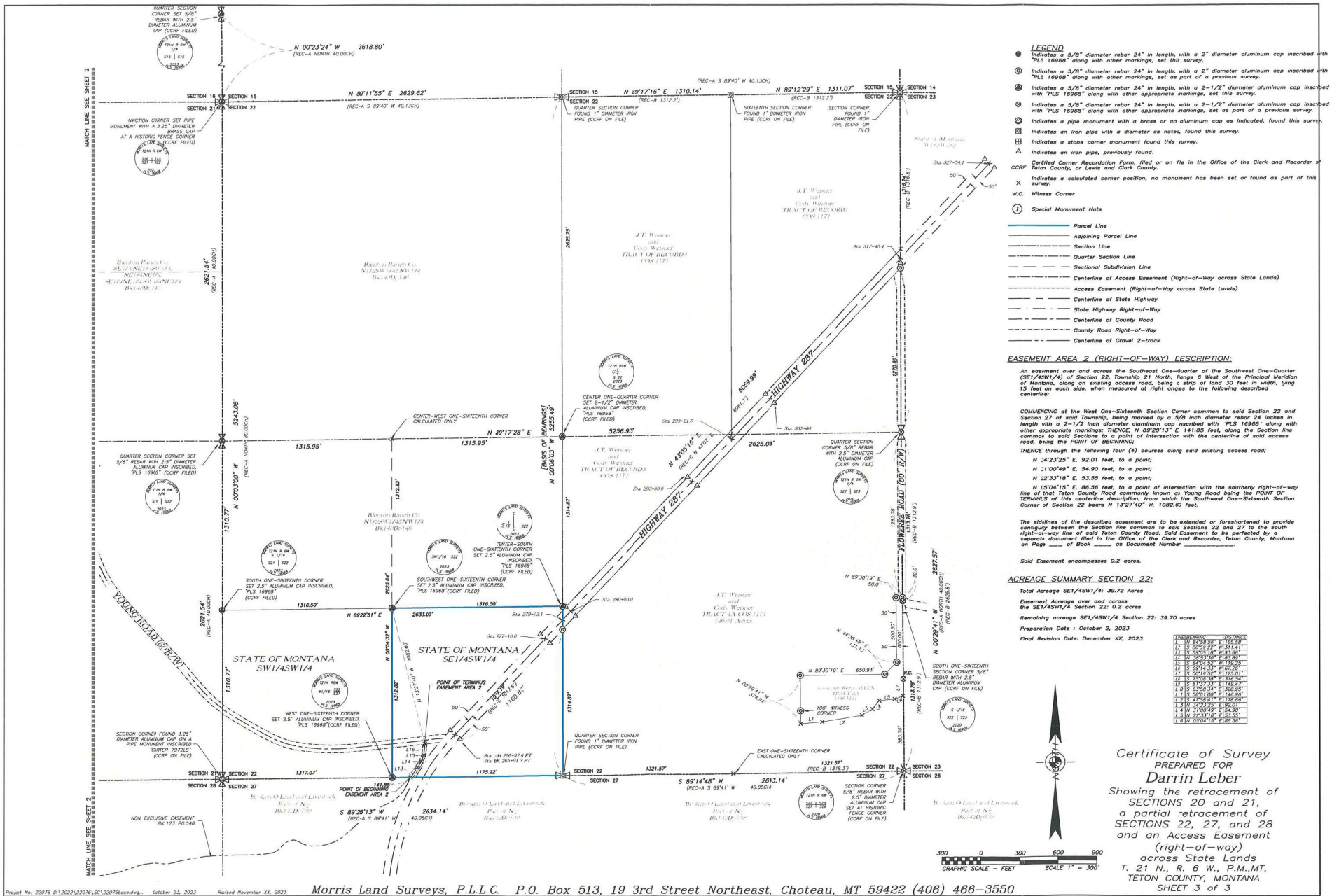


Exhibit B
Easement Maps



Certificate of Survey
 PREPARED FOR
Darrin Leber
 Showing the retracement of
 SECTIONS 20 and 21,
 a partial retracement of
 SECTIONS 22, 27, and 28
 and an Access Easement
 (Right-of-Way)
 across State Lands
 T. 21 N., R. 6 W., P.M., MT,
 TETON COUNTY, MONTANA
 SHEET 2 of 3



- LEGEND**
- Indicates a 5/8" diameter rebar 24" in length, with a 2" diameter aluminum cap inscribed with "PLS 16968" along with other markings, set this survey.
 - ⊙ Indicates a 5/8" diameter rebar 24" in length, with a 2" diameter aluminum cap inscribed with "PLS 16968" along with other markings, set as part of a previous survey.
 - ⊕ Indicates a 5/8" diameter rebar 24" in length, with a 2-1/2" diameter aluminum cap inscribed with "PLS 16968" along with other appropriate markings, set this survey.
 - ⊗ Indicates a 5/8" diameter rebar 24" in length, with a 2-1/2" diameter aluminum cap inscribed with "PLS 16968" along with other appropriate markings, set as part of a previous survey.
 - ⊞ Indicates a pipe monument with a brass or an aluminum cap as indicated, found this survey.
 - ⊟ Indicates an iron pipe with a diameter as noted, found this survey.
 - ⊠ Indicates a stone corner monument found this survey.
 - △ Indicates an iron pipe, previously found.
- Other Symbols:**
- ☐ Certified Corner Recordation Form, filed or on file in the Office of the Clerk and Recorder of Teton County, or Lewis and Clark County.
 - X Indicates a calculated corner position, no monument has been set or found as part of this survey.
 - W.C. Witness Corner
 - ① Special Monument Note
- Line Styles:**
- Parcel Line
 - - - Adjoining Parcel Line
 - - - Section Line
 - - - Quarter Section Line
 - - - Sectional Subdivision Line
 - - - Centerline of Access Easement (Right-of-Way across State Lands)
 - - - Access Easement (Right-of-Way across State Lands)
 - - - Centerline of State Highway
 - - - State Highway Right-of-Way
 - - - Centerline of County Road
 - - - County Road Right-of-Way
 - - - Centerline of Gravel 2-track

EASEMENT AREA 2 (RIGHT-OF-WAY) DESCRIPTION:

An easement over and across the Southeast One-Quarter of the Southwest One-Quarter (SE1/4SW1/4) of Section 22, Township 21 North, Range 6 West of the Principal Meridian of Montana, along an existing access road, being a strip of land 30 feet in width, lying 15 feet on each side, when measured at right angles to the following described centerline:

COMMENCEMENT at the West One-Sixteenth Section Corner common to said Section 22 and Section 27 of said Township, being marked by a 5/8 inch diameter rebar 24 inches in length with a 2-1/2 inch diameter aluminum cap inscribed with "PLS 16968" along with other appropriate markings; **THENCE** N 89°28'13" E, 141.02 feet, along the Section line common to said Sections to a point of intersection with the centerline of said access road, being the **POINT OF BEGINNING**;

THENCE through the following four (4) courses along said existing access road:

- N 3°23'25" E, 92.01 feet, to a point;
- N 31°00'49" E, 54.90 feet, to a point;
- N 22°33'18" E, 53.55 feet, to a point;
- N 02°04'15" E, 86.36 feet, to a point of intersection with the southerly right-of-way line of that Teton County Road commonly known as Young Road being the **POINT OF TERMINATION** of this centerline description, from which the Southwest One-Sixteenth Section Corner of Section 22 bears N 13°27'40" W, 1082.63 feet.

The sidelines of the described easement are to be extended or foreshortened to provide continuity between the Section line common to said Sections 22 and 27 to the south right-of-way line of said Teton County Road. Said Easement to be perfected by a separate document filed in the Office of the Clerk and Recorder, Teton County, Montana on Page ___ of Book ___ as Document Number ___.

Said Easement encompasses 0.2 acres.

ACREAGE SUMMARY SECTION 22:

Total Acreage SE1/4SW1/4: 39.72 Acres
 Easement Acreage over and across the SE1/4SW1/4 Section 22: 0.2 acres
 Remaining acreage SE1/4SW1/4 Section 22: 39.70 acres
 Preparation Date : October 2, 2023
 Final Revision Date: December XX, 2023

SECTION	ACRES	TOTAL ACRES
14	36.00	36.00
15	36.00	72.00
22	39.72	111.72
27	36.00	147.72
28	36.00	183.72
29	36.00	219.72
30	36.00	255.72
31	36.00	291.72
32	36.00	327.72
33	36.00	363.72
34	36.00	399.72
35	36.00	435.72
36	36.00	471.72
37	36.00	507.72
38	36.00	543.72
39	36.00	579.72
40	36.00	615.72
41	36.00	651.72
42	36.00	687.72
43	36.00	723.72
44	36.00	759.72
45	36.00	795.72
46	36.00	831.72
47	36.00	867.72
48	36.00	903.72
49	36.00	939.72
50	36.00	975.72
51	36.00	1011.72
52	36.00	1047.72
53	36.00	1083.72
54	36.00	1119.72
55	36.00	1155.72
56	36.00	1191.72
57	36.00	1227.72
58	36.00	1263.72
59	36.00	1299.72
60	36.00	1335.72
61	36.00	1371.72
62	36.00	1407.72
63	36.00	1443.72
64	36.00	1479.72
65	36.00	1515.72
66	36.00	1551.72
67	36.00	1587.72
68	36.00	1623.72
69	36.00	1659.72
70	36.00	1695.72
71	36.00	1731.72
72	36.00	1767.72
73	36.00	1803.72
74	36.00	1839.72
75	36.00	1875.72
76	36.00	1911.72
77	36.00	1947.72
78	36.00	1983.72
79	36.00	2019.72
80	36.00	2055.72
81	36.00	2091.72
82	36.00	2127.72
83	36.00	2163.72
84	36.00	2199.72
85	36.00	2235.72
86	36.00	2271.72
87	36.00	2307.72
88	36.00	2343.72
89	36.00	2379.72
90	36.00	2415.72
91	36.00	2451.72
92	36.00	2487.72
93	36.00	2523.72
94	36.00	2559.72
95	36.00	2595.72
96	36.00	2631.72
97	36.00	2667.72
98	36.00	2703.72
99	36.00	2739.72
100	36.00	2775.72



Certificate of Survey
 PREPARED FOR
Darrin Leber
 Showing the retracement of
 SECTIONS 20 and 21,
 a partial retracement of
 SECTIONS 22, 27, and 28
 and an Access Easement
 (right-of-way)
 across State Lands
 T. 21 N., R. 6 W., P.M.M.T.,
 TETON COUNTY, MONTANA
 SHEET 3 of 3

Exhibit C
The Natural Heritage Program Environmental Species Report



MONTANA STATE LIBRARY

NATURAL HERITAGE PROGRAM mtnhp.org

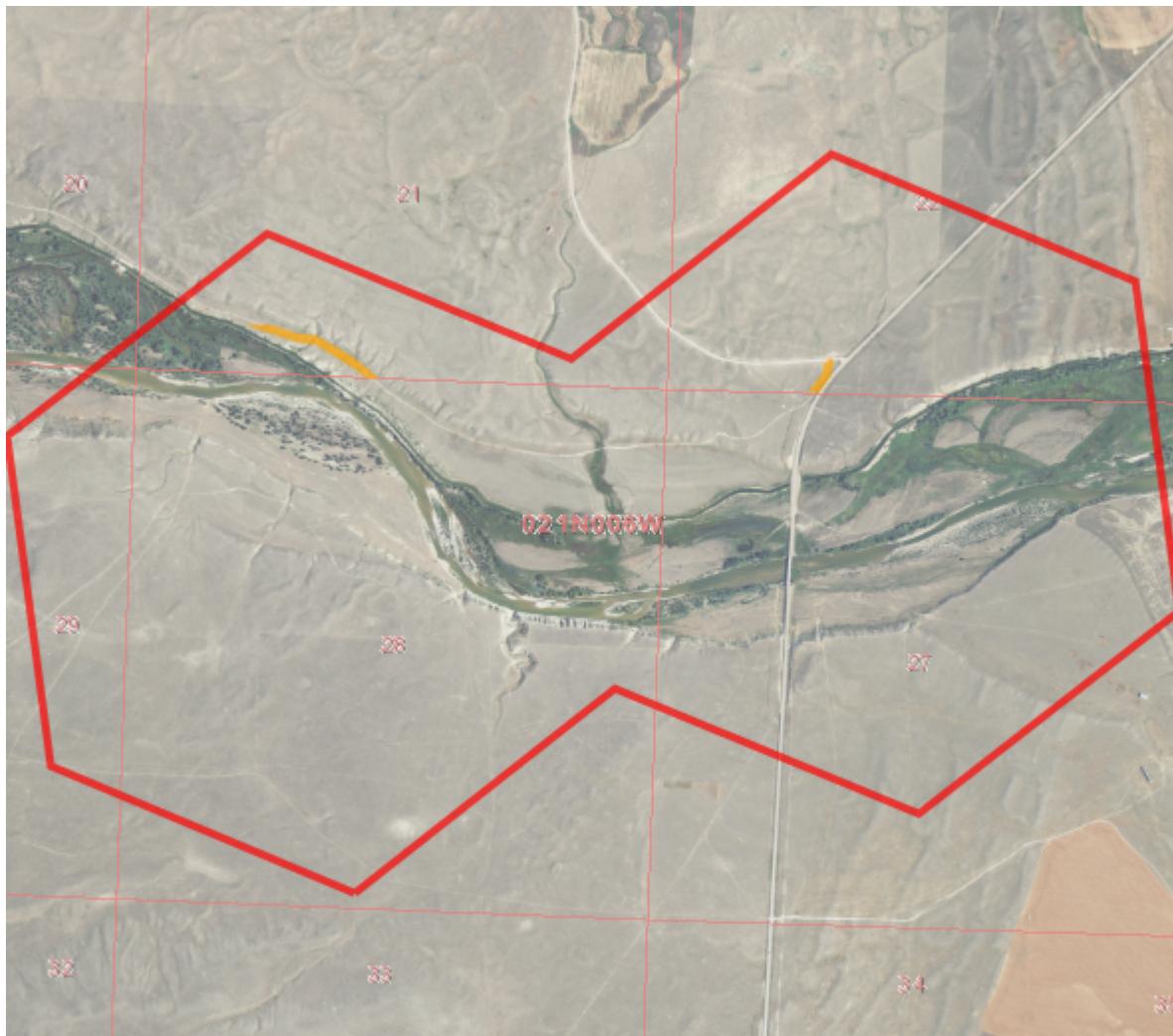
1201 11th Ave • P.O. Box 201800 • Helena, MT 59620-1800 • fax 406-444-0266 • phone 406-444-3989



Latitude	Longitude
47.53834	-112.35006
47.55953	-112.39595

Summarized by:

(Custom Area of Interest)



Suggested Citation

Montana Natural Heritage Program. Environmental Summary Report.
for Latitude 47.53834 to 47.55953 and Longitude -112.35006 to -112.39595. Retrieved on 3/18/2024.

The Montana Natural Heritage Program is part of the Montana State Library's Natural Resource Information System. Since 1985, it has served as a neutral and non-regulatory provider of easily accessible information on Montana's species and biological communities to inform all stakeholders in environmental review, permitting, and planning processes. The program is part of the NatureServe network that is composed of over 60 member programs across North America that work to provide current and comprehensive distribution and status information on species and biological communities.



Environmental Summary

Legend			
Model Icons	Habitat Icons	Range Icons	Num Obs
Suitable (native range)	Common	Native / Year-round	Count of obs with 'good precision' (<=1000m)
Optimal Suitability	Occasional	Summer	+ indicates additional 'poor precision' obs (1001m-10,000m)
Moderate Suitability		Winter	
Low Suitability		Migratory	
Suitable (introduced range)		Non-native	
		Historical	



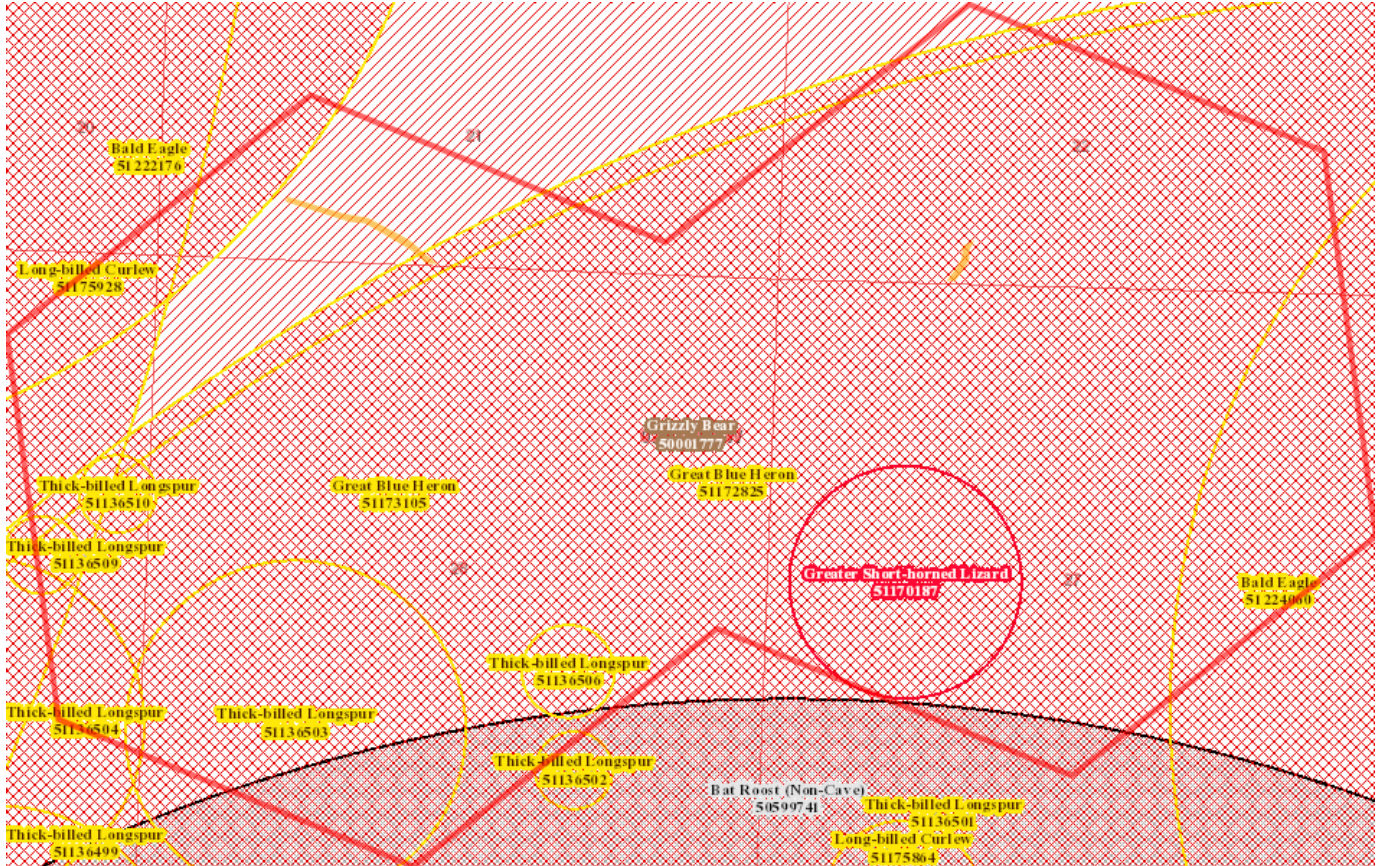
Latitude 47.53834 Longitude -112.35006
Latitude 47.55953 Longitude -112.39595

Native Species

Summarized by: (Custom Area of Interest)

Filtered by:

Native Species reports are filtered for Species with MT Status = Species of Concern



Species Occurrences

	USFWS Sec7	# SO	# Obs	Predicted Model	Range
B - Long-billed Curlew (<i>Numenius americanus</i>) SOC		1	6		
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3B USFWS: MBTA; BCC11 BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 2 Delineation Criteria Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 200 meters in order to approximate the breeding territory size reported for the species in Idaho and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Dec 22, 2023) Predicted Models: 100% Moderate (inductive)					
B - Thick-billed Longspur (<i>Rhynchophanes mccownii</i>) SOC		6	11		
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3B USFWS: MBTA; BCC10; BCC11; BCC17 BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 2 Delineation Criteria Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 100 meters in order to encompass the maximum breeding territory size reported for the species and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Jun 29, 2023) Predicted Models: 100% Moderate (inductive)					
M - Grizzly Bear (<i>Ursus arctos</i>) SOC	7	1			
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S2S3 USFWS: LT BLM: THREATENED FWP SWAP: SGCN2-3 Delineation Criteria Species Occurrence polygons represent areas delineated by the U.S. Fish and Wildlife Service (USFWS) that encompass both home ranges and potential transitory movements based on verified sightings. Within these areas, the USFWS wants project proponents to consider whether the species occurrence polygons may be present when evaluating the potential impacts of a project and to work with the USFWS to develop and implement best management practices to minimize or eliminate project effects on the species. (Last Updated: Dec 22, 2023) Predicted Models: 100% Low (inductive)					
B - Great Blue Heron (<i>Ardea herodias</i>) SOC		2			
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 USFWS: MBTA FWP SWAP: SGCN3 Delineation Criteria Confirmed nesting area buffered by a minimum distance of 6,500 meters in order to be conservative about encompassing the areas commonly used for foraging near the breeding colony and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Dec 22, 2023) Predicted Models: 100% Low (inductive)					



[View in Field Guide](#) [View Predicted Models](#) [View Range Maps](#)

[Species of Concern - Native Species](#)

Global: **G5** State: **S3** BLM: **SENSITIVE** FWP SWAP: **SGCN3, SGIN**

Delineation Criteria Confirmed breeding area based on the presence of a resident animal of any age. Point observation location is buffered by a minimum distance of 300 meters in order to encompass habitats supporting other individuals and documented distances moved between summer and winter habitats. Otherwise the point observation is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Dec 21, 2023)

Predicted Models:  100% Low (inductive)

Legend			
Model Icons	Habitat Icons	Range Icons	Num Obs
Suitable (native range)	Common	Native / Year-round	Count of obs with 'good precision' (<=1000m)
Optimal Suitability	Occasional	Summer	+ indicates additional 'poor precision' obs (1001m-10,000m)
Moderate Suitability		Winter	
Low Suitability		Migratory	
Suitable (introduced range)		Non-native	
		Historical	



Latitude 47.53834
Longitude -112.35006
47.55953 -112.39595

Native Species

Summarized by: (Custom Area of Interest)

Filtered by:

Native Species reports are filtered for Species with MT Status = Species of Concern

Other Observed Species

	USFWS Sec7	# Obs	Predicted Model	Range
B - American Bittern (<i>Botaurus lentiginosus</i>) SOC View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3B USFWS: MBTA BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 3 Predicted Models: 100% Low (inductive)		1		
B - Chestnut-collared Longspur (<i>Calcarius ornatus</i>) SOC View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2B USFWS: MBTA; BCC11; BCC17 BLM: SENSITIVE FWP SWAP: SGCN2 PIF: 2 Predicted Models: 100% Low (inductive)		1		
B - Evening Grosbeak (<i>Coccothraustes vespertinus</i>) SOC View in Field Guide View Range Maps Species of Concern - Native Species Global: G5 State: S3 USFWS: MBTA; BCC10 FWP SWAP: SGCN3		1	Not Assessed	

Legend

Model Icons	Habitat Icons	Range Icons	Num Obs
Suitable (native range)	Common	Native / Year-round	Count of obs with 'good precision' (<=1000m)
Optimal Suitability	Occasional	Summer	+ indicates additional 'poor precision' obs (1001m-10,000m)
Moderate Suitability		Winter	
Low Suitability		Migratory	
Suitable (introduced range)		Non-native	
		Historical	



Latitude 47.53834 Longitude -112.35006
47.55953 -112.39595

Native Species









Summarized by: (Custom Area of Interest)

Filtered by:

Native Species reports are filtered for Species with MT Status = Species of Concern

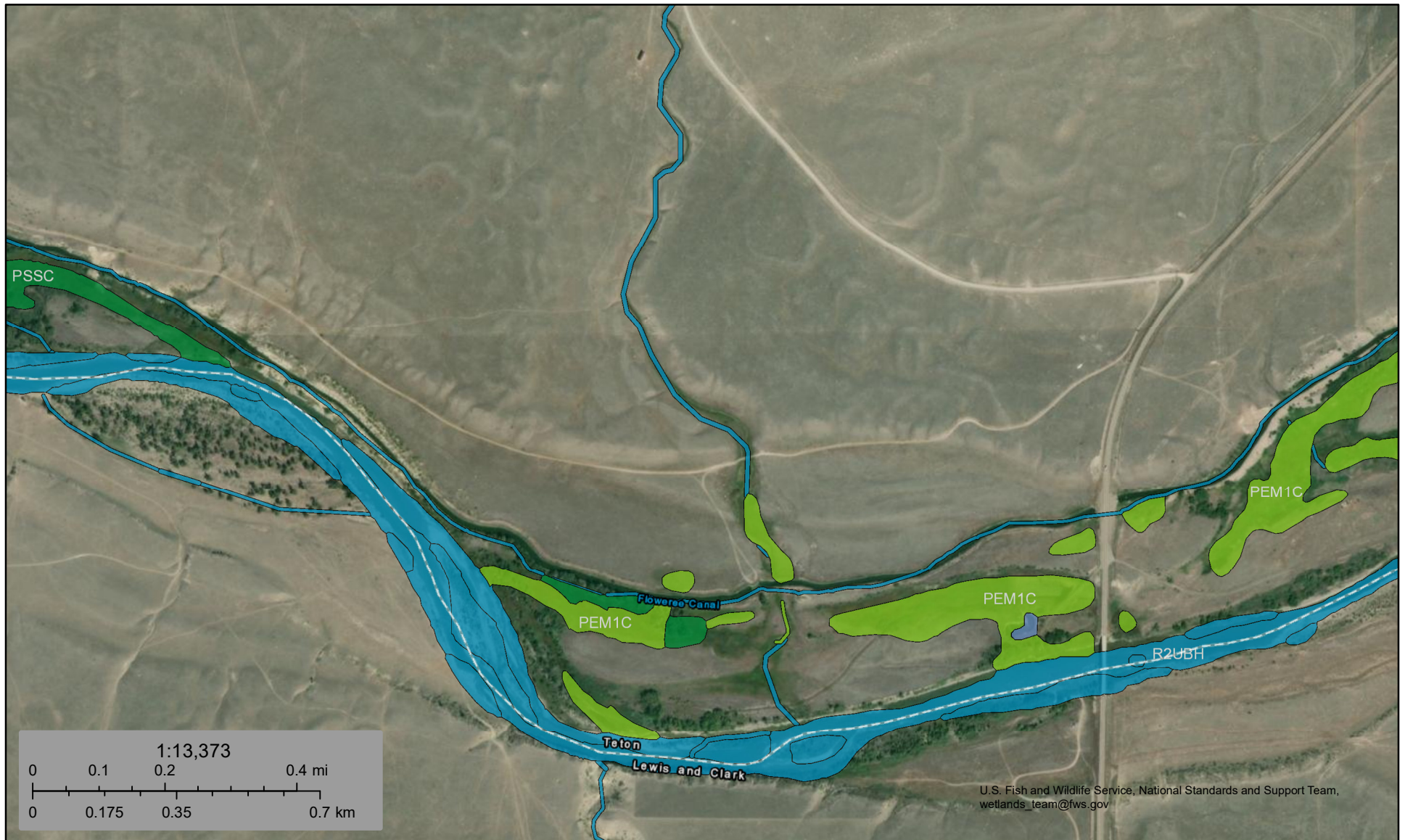
Other Potential Species

	USFWS Sec7	Predicted Model	Range
<p>M - Preble's Shrew (<i>Sorex preblei</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3 FWP SWAP: SGCN3 Predicted Models: 100% Moderate (inductive)</p>			
<p>M - Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3 USFS: Sensitive - Known in Forests (LOLO) BLM: SENSITIVE FWP SWAP: SGCN3 Predicted Models: 100% Moderate (inductive)</p>			
<p>B - Golden Eagle (<i>Aquila chrysaetos</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 USFWS: BGEPA; MBTA BLM: SENSITIVE FWP SWAP: SGCN3 Predicted Models: 100% Moderate (inductive)</p>			
<p>V - Carex crawei (<i>Crawe's Sedge</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2S3 Plant Threat Score: Low Predicted Models: 100% Moderate (inductive)</p>			
<p>V - Dichanthelium acuminatum (<i>Panic Grass</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2S3 Plant Threat Score: Unknown Predicted Models: 100% Moderate (inductive)</p>			
<p>V - Eleocharis rostellata (<i>Beaked Spikerush</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 USFS: Species of Conservation Concern in Forests (CG, FLAT, HLC) Plant Threat Score: Unknown CCVI: Less Vulnerable Predicted Models: 100% Moderate (inductive)</p>			
<p>B - American White Pelican (<i>Pelecanus erythrorhynchos</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3B USFWS: MBTA FWP SWAP: SGCN3 PIF: 3 Predicted Models: 100% Moderate (inductive)</p>			
<p>B - Horned Grebe (<i>Podiceps auritus</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3B USFWS: MBTA BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 2 Predicted Models: 100% Moderate (inductive)</p>			
<p>B - Mountain Plover (<i>Charadrius montanus</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G3 State: S2B USFWS: MBTA; BCC10; BCC11; BCC17 BLM: SENSITIVE FWP SWAP: SGCN2 PIF: 1 Predicted Models: 100% Moderate (inductive)</p>			
<p>B - Sprague's Pipit (<i>Anthus spragueii</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G3G4 State: S3B USFWS: MBTA; BCC11; BCC17 BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 1 Predicted Models: 100% Moderate (inductive)</p>			
<p>M - Fringed Myotis (<i>Myotis thysanodes</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3 BLM: SENSITIVE FWP SWAP: SGCN3 Predicted Models: 50% Moderate (inductive), 50% Low (inductive)</p>			
<p>V - Centunculus minimus (<i>Chaffweed</i>) SOC</p> <p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2 Plant Threat Score: No Known Threats Predicted Models: 50% Moderate (inductive), 50% Low (inductive)</p>			

V - Elodea bifoliata (<i>Long-sheath Waterweed</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4G5 State: S2? Plant Threat Score: No Known Threats Predicted Models:  50% Moderate (inductive),  50% Low (inductive)	
B - Baird's Sparrow (<i>Centronyx bairdii</i>) SOC	  
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3B USFWS: MBTA; BCC11; BCC17 BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 1 Predicted Models:  50% Moderate (inductive),  50% Low (inductive)	
B - Caspian Tern (<i>Hydroprogne caspia</i>) SOC	  
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2B USFWS: MBTA BLM: SENSITIVE FWP SWAP: SGCN2 PIF: 2 Predicted Models:  50% Moderate (inductive),  50% Low (inductive)	
M - Black-tailed Prairie Dog (<i>Cynomys ludovicianus</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3 BLM: SENSITIVE FWP SWAP: SGCN3 Predicted Models:  100% Low (inductive)	
M - Little Brown Myotis (<i>Myotis lucifugus</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G3G4 State: S3 USFS: Sensitive - Known in Forests (BD, BRT, KOOT) FWP SWAP: SGCN3 Predicted Models:  100% Low (inductive)	
M - Long-eared Myotis (<i>Myotis evotis</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 Predicted Models:  100% Low (inductive)	
M - Long-legged Myotis (<i>Myotis volans</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4G5 State: S3 Predicted Models:  100% Low (inductive)	
B - Sharp-tailed Grouse (<i>Tympanuchus phasianellus</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: SX,S4 FWP SWAP: SGCN1 PIF: 2 Predicted Models:  100% Low (inductive)	
B - Trumpeter Swan (<i>Cygnus buccinator</i>) SOC	  
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3 USFWS: MBTA BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 1 Predicted Models:  100% Low (inductive)	
A - Northern Leopard Frog (<i>Lithobates pipiens</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S1,S4 USFS: Sensitive - Suspected in Forests (KOOT, LOLO) BLM: SENSITIVE FWP SWAP: SGCN1 Predicted Models:  100% Low (inductive)	
I - Bombus suckleyi (<i>Suckley Cuckoo Bumble Bee</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G2G3 State: S1 Predicted Models:  100% Low (inductive)	
V - Kobresia simpliciuscula (<i>Simple Kobresia</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 Plant Threat Score: Unknown Predicted Models:  100% Low (inductive)	
V - Lobelia kalmii (<i>Kalm's Lobelia</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 Plant Threat Score: No Known Threats Predicted Models:  100% Low (inductive)	
V - Stellaria crassifolia (<i>Fleshy Stitchwort</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2 Plant Threat Score: No Known Threats Predicted Models:  100% Low (inductive)	
B - Meesia triquetra (<i>Meesia Moss</i>) SOC	 
View in Field Guide View Predicted Models View Range Maps USFS: Sensitive - Known in Forests (BD, BRT, KOOT) Sensitive - Suspected in Forests (LOLO) Species of Concern - Native Species Global: G5 State: S2 Species of Conservation Concern in Forests (CG, FLAT) Predicted Models:  100% Low (inductive)	
M - Eastern Red Bat (<i>Lasiurus borealis</i>) SOC	  
View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G3G4 State: S3B BLM: SENSITIVE Predicted Models:  100% Low (inductive)	

<p>B - Clark's Nutcracker (<i>Nucifraga columbiana</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 USFWS: MBTA USFS: Species of Conservation Concern in Forests (FLAT) FWP SWAP: SGCN3 PIF: 3 Predicted Models: [50% Low (inductive)]</p>
<p>V - Chenopodium subglabrum (<i>Smooth Goosefoot</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G3G4 State: S2 Plant Threat Score: Unknown CCVI: Highly Vulnerable Predicted Models: [50% Low (inductive)]</p>
<p>V - Cyperus schweinitzii (<i>Schweinitz's Flatsedge</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2 Plant Threat Score: Low Predicted Models: [50% Low (inductive)]</p>
<p>V - Gratiola ebracteata (<i>Bractless Hedge-hyssop</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S2 Plant Threat Score: No Known Threats CCVI: Moderately Vulnerable Predicted Models: [50% Low (inductive)]</p>
<p>V - Impatiens aurella (<i>Pale-yellow Jewel-weed</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G4 State: S3 Plant Threat Score: No Known Threats Predicted Models: [50% Low (inductive)]</p>
<p>V - Lilium philadelphicum (<i>Wood Lily</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3 Plant Threat Score: Low CCVI: Less Vulnerable Predicted Models: [50% Low (inductive)]</p>
<p>B - Scorpidium scorpioides (<i>A Scorpidium Moss</i>) SOC [Progress Bar] [Y]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S2 USFS: Sensitive - Known in Forests (KOOT, LOLO) Species of Conservation Concern in Forests (FLAT, HLC) Predicted Models: [50% Low (inductive)]</p>
<p>B - Common Tern (<i>Sterna hirundo</i>) SOC [Progress Bar] [S] [M]</p>
<p>View in Field Guide View Predicted Models View Range Maps Species of Concern - Native Species Global: G5 State: S3B USFWS: MBTA BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 2 Predicted Models: [50% Low (inductive)]</p>
<p>M - Canada Lynx (<i>Lynx canadensis</i>) SOC [7] Not Assessed [Y]</p>
<p>View in Field Guide View Range Maps Species of Concern - Native Species Global: G5 State: S3 USFWS: LT; CH BLM: THREATENED FWP SWAP: SGCN3</p>







Exhibit D
Wetland Map



U.S. Fish and Wildlife Service, National Standards and Support Team,
wetlands_team@fws.gov

March 19, 2024

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

End of Documentation