

Environmental Assessment Checklist

Project Name: Bozeman North Park Bald Eagle Nest Removal

Proposed Implementation Date: November, 2016

Proponent: Bozeman Unit, Central Land Office, Montana DNRC

County: Gallatin

Type and Purpose of Action

Description of Proposed Action:

The Bozeman Unit of the Montana Department of Natural Resources and Conservation (DNRC) is proposing the North Park Bald Eagle Nest Removal Project. The project is located within the city limits of Bozeman, Montana on section 36, T1S, R5E (See attached Vicinity Map and Attachment 1). On June 17, 2016, DNRC acquired an incidental take permit from the U.S. Fish and Wildlife Service (USFWS) to remove a relatively recently constructed bald eagle nest from the above-referenced location. The permit application process took one year to complete and involved data sharing, analysis and development of a comprehensive package of mitigations to offset the potential impacts of the nest removal on bald eagles.

The nest tree is situated in an actively-managed agriculture field in a relatively unsafe location within 150 meters of U.S. Interstate 90 (I-90). The potential for a juvenile or adult bird to be struck and injured or killed while feeding on road-killed carrion along I-90 is relatively high at this site. Should the current nest continue to be used by the pair, their presence also creates a potential liability for DNRC, lessees, and contractors, particularly during the nesting period when nesting eagles are most vulnerable to disturbance. During the egg-laying, incubation and fledgling phases of chick rearing, necessary disturbance-causing activities near the nest could result in nest abandonment by adults and elevated risk of juvenile mortality and subsequent "take" of the species. Take of bald eagles is prohibited under the federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

<https://www.fws.gov/midwest/MidwestBird/eaglepermits/bagepa.html> While the timing of some needed construction activities can be regulated, restricting all development activities near the current nest site during the non-nesting period (August 16 to February 1) is not feasible for existing and future uses on this parcel (eg. an existing active agricultural lease, and planned industrial park development within the city limits of Bozeman at this location).

Objectives of the project include:

-Remove cottonwood trees at the nesting site in a timely fashion outside of the active nesting period to encourage the nesting eagle pair to locate elsewhere at a safe location with less disturbance.

-Remove source of legal risk (being the nest) for existing lessees and projects under development within 0.5 miles of the nest.

-Provide ample offsetting mitigation and required monitoring to minimize risk for the local eagle population as required by the USFWS.

Proposed activities:

The following activities would be completed as requirements under the DNRC Incidental Take Permit (ITP) issued by the USFWS.

-Prior to the month of December when the nesting eagle pair may begin to start nesting activities, remove and haul away four mature cottonwood trees (one of which is the subject nest tree) at the immediate nest site location.

-Bury all structural parts of the downed nest as required under the ITP.

-Load, haul, and dispose of wood and limbs from the removed trees.

-Work would be performed by DNRC staff and City of Bozeman Forestry Department staff as defined in the ITP. A DNRC wildlife biologist would be present at the time of nest removal.

-Implement deterrent measures as needed at a nearby cell tower to discourage re-nesting attempts at this location as required under the ITP.

-Conduct monitoring during two subsequent nesting seasons in 2017 and 2018 for evidence of nesting activity at the nest site location, and at suitable areas within a 1 mile radius of the nest site. Monitoring and reporting would be conducted in accordance with requirements of the ITP from the USFWS.

-Any feathers recovered during removal of the nest would be shipped to the National Eagle Repository by DNRC as required by the ITP.

Project Development

Communications, Public Involvement, and Agency Involvement:

-NBC KTVM Montana news story – describing conflicts between subject eagle nest and planned developments. March 30, 2016

-Bozeman Daily Chronicle news story – describing conflicts between subject eagle nest and planned developments. April 4, 2016.

-Sacajawea Audubon Society letter of concern to USFWS – Outlining concerns pertaining to the nest removal project. April 25, 2016.

-Paulette Epple, Sacajawea Audubon Society. – Personal communication with DNRC Unit Manager Craig Campbell at DNRC office. October 2015.

-Michael Vivian, Sacajawea Audubon Society. – Personal communication with DNRC Unit Manager Craig Campbell at DNRC office. October 2015.

-Allison Begley, Avian Conservation Biologist, Montana Fish Wildlife and Parks, Helena – Numerous personal and e-mail communications with DNRC Wildlife Biologist, Ross Baty. November 2015 to July 2016.

-Claire Gower, Non-game Wildlife Biologist, Montana Fish, Wildlife and Parks, Region 3, Bozeman -- Numerous personal and e-mail communications with DNRC Wildlife Biologist, Ross Baty. November 2015 to October 2016.

-Montana Bald Eagle Working Group – Numerous e-mail communications among various work group members and DNRC during development of mitigation package for the USFWS. April 2016 to June 2016.

-Brent Esmoil and Jeff Berglund, Montana Ecological Services Field Office, U.S. Fish and Wildlife Service, Helena – Numerous personal and e-mail communications with DNRC staff. August 2015 to October 2016.

-Kevin Kritz, Brian Smith, and Linda Downey, U.S. Fish and Wildlife Service, Migratory Bird Permit Office, Denver, CO. -- Numerous personal and e-mail communications with DNRC staff. November 2015 to November 2016.

Other Individuals Notified and Consulted for Technical Assistance:

-Sam Milodragovich, Wildlife Biologist, Northwestern Energy, Butte.

-Lou Hanebury, Environmental Protection Specialist, Western Area Power Administration, Billings.

-Dr. Alan Harmata, Department of Ecology, Montana State University, Bozeman.

-Scot Franklin, Wildlife Biologist, Bureau of Land Management, Butte Field Office.

-Kristi Dubois, Wildlife Biologist, Montana Fish, Wildlife and Parks, Missoula.

-Janet Ellis, Senior Director of Policy, Montana Audubon, Helena.

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED: *(Conservation Easements, Army Corps of Engineers, road use permits, etc.)*

- **United States Fish & Wildlife Service-** DNRC is proposing and action that requires consultation and permitting through the USFWS Migratory Bird Permit Office, Region 6, Denver, CO. DNRC submitted an application for an eagle nest take permit on January 12, 2016. The USFWS reviewed the permit application and issued the Permit on June 16, 2016.
- **Montana Fish, Wildlife and Parks** – Montana Fish, Wildlife and Parks also has management responsibilities for the management and monitoring of bald eagles in Montana. However, no additional state permits were required for the proposed activity.

ALTERNATIVES CONSIDERED:

No-Action Alternative: Under this alternative, none of the proposed nest-removal activities would occur. The nest would remain in the current location, which is relatively dangerous for the local nesting pair of bald eagles. Some limited city development activities could continue outside of the breeding season (February 1 to August 15) if they would occur greater than 660 feet from the nest. However, this restrictive operating window would prohibit the completion of many projects and activities near the site.

Action Alternative: Under the Action Alternative, the subject bald eagle nest tree and nest would be removed along with 3 other adjacent mature cottonwood trees. All parts of the trees would be physically removed and the nest remains buried. Monthly monitoring of the site and pair would be required for two additional nesting seasons through 2018. The nesting pair of bald eagles would be purposefully displaced by the proposed action, to hopefully move to a more safe and suitable location. Some uncertainty in this occurring, however, is present. Should the pair re-locate to a distant site, development activities at the North Park location could resume and legal liability related to take of bald eagles for local landowners and contractors would be lessened. Should the pair not re-locate a sufficient distance from the site, DNRC would be required to re-initiate consultation with the USFWS to determine the next feasible course of action.

Impacts on the Physical Environment

Evaluation of the impacts on the No-Action and Action Alternatives including **direct, secondary, and cumulative** impacts on the Physical Environment.

VEGETATION:

Vegetation Existing Conditions: The project area comprises a portion of a DNRC-managed parcel of state trust land north of I-90 that is approximately 189 acres. Predominant vegetation on the parcel is consists of approximately 163 acres of cultivated cropland and 26 acres of grassland/pasture running through the middle of the parcel, which is associated with Mandeville Creek. The four mature cottonwood trees that would be removed under the proposed action occur in the southwest portion of the parcel.

Vegetation	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
<i>No-Action</i>														
Noxious Weeds	x				x				x					
Rare Plants	x				x				x					
Vegetative community	x				x				x					
Old Growth	x				x				x					
<i>Action</i>														
Noxious Weeds	x													
Rare Plants	x													
Vegetative community		x				x				x			Yes	1.

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Vegetation	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Old Growth	x				x				x					

Comments:

1. Under the Action Alternative, four mature narrow-leaf cottonwood trees would be removed. Removal of these trees could have very minor direct, indirect and cumulative effects on reducing seed source for this tree species and its subsequent occurrence in the local geographic area. Disturbance of ground vegetation on less than 1 acre in the immediate vicinity of the cottonwood trees planned for removal would also be likely due to disturbance and compaction caused by heavy equipment needed to remove the trees. There would be minimal risk of lasting effects to vegetation associated with the proposed action.

Vegetation Mitigations:

Under the Action Alternative, a mitigation requirement to plant at least 75 advanced cottonwood saplings on a similar suitable site in 5 separate exclosures near Manhattan, MT would be required. DNRC would be required to maintain and monitor these trees for at least 10 years following removal of the original nest site trees. The planting of these trees would more than offset the loss over time of these original trees to be removed. These actions would be required under the terms of the ITP with the USFWS.

SOIL DISTURBANCE AND PRODUCTIVITY:

Soil Disturbance and Productivity Existing Conditions: Soils on the project area are suitable for growth of crops and are frequently disturbed by agricultural cultivation.

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Physical Disturbance (Compaction and Displacement)	x				x				x					
Erosion	x				x				x					
Nutrient Cycling	x				x				x					
Slope Stability	x				x				x					
Soil Productivity	x				x				x					
Action														

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Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Physical Disturbance (Compaction and Displacement)		x				x				x				Yes	1.
Erosion	x				x				x						
Nutrient Cycling	x				x				x						
Slope Stability	x				x				x						
Soil Productivity	x				x				x						

Comments:

1. A minor level of soil disturbance would be possible on approximately 0.25 acres in association with the proposed removal of large cottonwood trees. Anticipated direct, indirect and cumulative effects would be very minor. No appreciable or lasting effect associated with compaction or soil displacement would be anticipated.

Soil Mitigations:

Under the proposed action, the disturbance footprint would be minimized and any excessive disturbance of soil would be graded and/or smoothed to closely match the original soil conditions.

WATER QUALITY AND QUANTITY:

Water Quality and Quantity Existing Conditions: Mandeville Creek occurs on the project area which lies 165 feet from the cottonwood trees that would be removed. No effects to water quality or quantity would be anticipated.

Water Quality & Quantity	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
No-Action															
Water Quality	x				x				x						
Water Quantity	x				x				x						
Action															
Water Quality	x				x				x						
Water Quantity	x				x				x						

FISHERIES:

Fisheries Existing Conditions: Mandeville Creek occurs on the project area which lies 165 feet from the cottonwood trees that would be removed. None of the proposed activities would influence any aspect of the creek. Thus, no effects to fisheries resources would be anticipated.

Fisheries	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Sediment	x				x				x					
Flow Regimes	x				x				x					
Woody Debris	x				x				x					
Stream Shading	x				x				x					
Stream Temperature	x				x				x					
Connectivity	x				x				x					
Populations	x				x				x					
Action														
Sediment	x				x				x					
Flow Regimes	x				x				x					
Woody Debris	x				x				x					
Stream Shading	x				x				x					
Stream Temperature	x				x				x					
Connectivity	x				x				x					
Populations	x				x				x					

WILDLIFE:

Wildlife Existing Conditions: The project area comprises a portion of a DNRC-managed parcel of state trust land north of I-90 that is approximately 189 acres. Predominant vegetation on the parcel consists of approximately 163 acres of cultivated cropland and 26 acres of grassland/pasture running through the middle of the parcel, which is associated with an irrigation canal. Four mature narrowleaf cottonwood trees (*Populus angustifolia*) that would be removed under the proposed action occur in the southwest portion of the parcel adjacent to a cultivated field. A cellular tower is situated approximately 50 meters from the trees and I-90 lies approximately 160 meters to the southwest. These four trees provide some limited habitat structure for wildlife, primarily associated with perching, nesting and feeding habitat for avian species. One of the trees supports a bald eagle nest that has been active and successful during the last two years. In general, on the project area, wildlife habitat conditions and suitability for many species endemic to Montana is poor given the types of ongoing land uses on the parcel, the proximity to I-90, and the location of the site occurring within the limits of the city of Bozeman.

No-Action Alternative: Under this alternative, none of the proposed tree and nest-removal activities would occur. The limited amount of habitat used by birds and other wildlife species for perching, nesting, and feeding would remain. The bald eagle nest would remain in the current location, which is relatively dangerous for the local nesting pair of bald eagles. Some limited city development activities could continue outside of the breeding season (February 1 to August 15) if they would occur greater than 660 feet from the nest. However, this restrictive operating window would prohibit the completion of many projects and activities near the site.

Action Alternative: Under the Action Alternative, the subject bald eagle nest tree and nest would be removed along with 3 other adjacent mature cottonwood trees. All parts of the trees would be physically removed and the nest remains buried. Monthly monitoring of the site and pair would be required for two additional nesting seasons through 2018. The nesting pair of bald eagles would be purposefully displaced by the proposed action, to hopefully move to a more safe and suitable location. Some uncertainty in this occurring, however, is present. Should the pair re-locate to a distant site, development activities at the North Park location could resume and legal liability related to take of bald eagles for local landowners and contractors would be lessened. Should the pair not re-locate a sufficient distance from the site, DNRC would be required to re-initiate consultation with the USFWS to determine the next feasible course of action. The limited amount of habitat used by other birds and other wildlife species for perching, nesting, and feeding would not remain following removal of the trees. This would result in a minor direct, indirect and cumulative effects for these affected species, in a very small geographic area. The local nesting population of bald eagles in the Bozeman area has been increasing and doing well during the last 10 years.

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Threatened and Endangered Species														
Grizzly bear <i>(Ursus arctos)</i> Habitat: Recovery areas, security from human activity	x				x				x					
Canada lynx <i>(Felix lynx)</i> Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	x				x				x					
Wolverine <i>(Gulo gulo)</i>	x				x				x					
Sensitive Species														
Bald eagle <i>(Haliaeetus leucocephalus)</i> Habitat: Late-successional forest within 1 mile of open water			x				X			x			Yes	1.
Black-backed woodpecker <i>(Picoides arcticus)</i> Habitat: Mature to old burned or beetle-infested forest	x				x				x					
Black-tailed	x				x				x					

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Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
prairie dog (<i>Cynomys ludovicianus</i>) Habitat: grasslands, short-grass prairie, sagebrush semi-desert														
Flammulated owl (<i>Otus flammeolus</i>) Habitat: Late-successional ponderosa pine and Douglas-fir forest	x				x				x					
Gray Wolf (<i>Canis lupus</i>) Habitat: Ample big game populations, security from human activities	x				x				x					
Harlequin duck (<i>Histrionicus histrionicus</i>) Habitat: White-water streams, boulder and cobble substrates	x				x				x					
Northern bog lemming (<i>Synaptomys borealis</i>) Habitat: Sphagnum meadows, bogs, fens with thick moss mats	x				x				x					
Mountain plover (<i>Charadrius montanus</i>) Habitat: short-grass prairie & prairie dog towns	x				x				x					
Peregrine falcon (<i>Falco peregrinus</i>) Habitat: Cliff features near open foraging areas and/or wetlands	x				x				x					
Pileated woodpecker	x				x				x					

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Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
<i>(Dryocopus pileatus)</i> Habitat: Late-successional ponderosa pine and larch-fir forest														
Greater Sage grouse <i>(Centrocercus urophasianus)</i> Habitat: sagebrush semi-desert	x				x				x					
Townsend's big-eared bat <i>(Plecotus townsendii)</i> Habitat: Caves, caverns, old mines	x				x				x					
Big Game Species														
Elk	x				x				x					
Whitetail	x				x				x					
Mule Deer	x				x				x					
Other														

Comments:

1. Under the Action Alternative, the subject bald eagle nest tree and nest would be removed along with 3 other adjacent mature cottonwood trees. All parts of the trees would be physically removed and the nest remains buried. Monthly monitoring of the site and pair would be required for two additional nesting seasons through 2018. The nesting pair of bald eagles would be purposefully displaced by the proposed action, to hopefully move to a more safe and suitable location. Some uncertainty in this occurring, however, is present. Should the pair relocate to a distant site, development activities at the North Park location could resume and legal liability related to take of bald eagles for local landowners and contractors would be lessened. Should the pair not re-locate a sufficient distance from the site, DNRC would be required to re-initiate consultation with the USFWS to determine the next feasible course of action. Removal of the bald eagle nest would result in moderate adverse direct and indirect effects to the local nesting pair. However, relatively low related cumulative effects associated with the nest loss would occur due to the poor suitability of the current nest location. Adverse effects that could be detected at the scale of the local bald eagle population (within a 10 mile radius), would not be anticipated.

Wildlife Mitigations:

Mitigation Summary

Through further consultation with the U.S. Fish and Wildlife Service, DNRC solicited additional mitigation proposals from Montana Bald Eagle Working Group members and wildlife biologists with Montana Fish, Wildlife and Parks – Region 3. These mitigations include a broad range of measures with multiple partners, which will benefit bald eagles now, and over the long term to offset potential adverse effects associated with the removal of the nest. Mitigation expenditures would total \$20,675, and the target completion date when all components would be funded and in place would be June 30, 2017. Each mitigation proposed by DNRC is summarized in the table below. Detailed descriptions of each mitigation are also provided in this document. All mitigations listed would be implemented as a requirement of the ITP with the USFWS.

Mitigation Name	Contribution
(1.) Montana DNRC Cottonwood Regeneration/Protection Project Manhattan, Montana	\$11,000
(2.) Marias River Cottonwood Restoration Project	\$6,000
(3.) Montana Natural Heritage Program Bald Eagle Data Entry Contribution	\$2,000
(4.) Montana Fish Wildlife and Parks Bald Eagle Information and Education Trunk	\$3,000
Total	\$22,000

AIR QUALITY: Under both alternatives considered, no activities would occur that would measurably affect air quality.

Air Quality	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Smoke	x				x				x					
Dust	x				x				x					
Action														
Smoke	x				x				x					
Dust	x				x				x					

ARCHAEOLOGICAL SITES / AESTHETICS / DEMANDS ON ENVIRONMENTAL RESOURCES: Under both alternatives considered, no activities would occur that would affect archeological sites or demands on environmental resources.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Historical or Archaeological Sites	x				x				x					
Aesthetics	x				x				x					
Demands on Environmental Resources of Land, Water, or Energy	x				x				x					
Action														
Historical or Archaeological Sites	x				x				x					
Aesthetics		x				x				x			No	1.
Demands on Environmental Resources of Land, Water, or Energy	x				x				x					

Comments: Under the Action Alternative, the proposed removal of the four mature cottonwood trees on the project area would be noticeable to local neighbors and individuals driving along I-90. The presence of trees and open agricultural fields, homes and businesses is patchy along this stretch of I-90. Some individuals traveling through the area may notice when the trees are removed, and other individuals likely would not. Any direct change in aesthetics at this location is expected to be subtle.

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.*

-Incidental Take Permit – June 17, 2016. U.S. Fish and Wildlife Service, Migratory Bird Permit Office, Denver, CO.

-Montana DNRC Environmental Assessment -- Northwest Energy Gas Line Relocation Easement December 1, 2015.

-Montana DNRC Environmental Assessment – City of Bozeman, Murdoch’s Utility Easement Easement December 1, 2015.

-The Bozeman Solvent Site - The site is within the Controlled Groundwater Area (CGWA) of the Bozeman Solvent Site.

-Mandeville Properties Phase 1 Environmental Assessment.

-City of Bozeman Road Easements of Wheat Drive and Flora Land. – December, 2014

-North park Properties Preliminary Engineering Report – December 11, 2013

-City of Bozeman Road Easement – 10/16/2012

-North Park Development Phase 1, Checklist Environmental Assessment and
Reclassification Capability Inventory. – November 2015

Impacts on the Human Population

Evaluation of the impacts on the proposed action including **direct, secondary, and cumulative** impacts on the Human Population.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Health and Human Safety	x				x				x					
Industrial, Commercial and Agricultural Activities and Production				x				x			x			1.
Quantity and Distribution of Employment	x					x				x				1.
Local Tax Base and Tax Revenues	x					x				x				1.
Demand for Government Services	x				x				x					
Access To and Quality of Recreational and Wilderness Activities	x				x				x					
Density and Distribution of population and housing	x				x				x					
Social Structures and Mores	x				x				x					
Cultural Uniqueness and Diversity	x				x				x					
Action														
Health and Human Safety	x				x				x					

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Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Industrial, Commercial and Agricultural Activities and Production				x				x			x				2.
Quantity and Distribution of Employment	x					x				x					2.
Local Tax Base and Tax Revenues	x					x				x					
Demand for Government Services	x				x				x						
Access To and Quality of Recreational and Wilderness Activities	x				x				x						
Density and Distribution of population and housing	x				x				x						
Social Structures and Mores	x				x				x						
Cultural Uniqueness and Diversity	x				x				x						

Comments:

1. No Action Alternative -- In general, activities in the vicinity of this nest exist under a broad range of stages of permitting and authorization on various ownerships. Numerous ongoing land uses, activities, and future developments are underway within both ¼ and ½ miles of the current nest (see map Attachment 1). One such activity involves replacement of an aging natural gas line on the affected DNRC parcel. Montana DNRC is waiting to authorize several additional activities near the nest site until necessary incidental take permitting can be completed with the USFWS.

The state land where the bald eagle nest occurs is associated with the North Park Development is within the city limits of Bozeman, Montana, north of U.S. Interstate 90, west of North 7th Street in the south ½ of section 36, Township 1 South, Range 5 East, as depicted on Attachment 1. These lands were annexed into the City of Bozeman in October, 2006 and zoned M1, light industrial to be compatible with the needs of the City of Bozeman and the city's land to the North that is Zoned M2 heavy industrial (Attachment 1). In 2012, the City of Bozeman and DNRC commissioned a study of the land to assess its long term best use within the community along with a Phase 1 environmental analysis. These assessments concluded the properties would best meet Bozeman's needs for growth if developed as "zoned." These studies were followed by a Preliminary Engineering Report (PRE) to further define the infrastructure necessary to effectively develop this parcel. In March 2014, the City of Bozeman contracted their portion of the North Park Properties for sale, but to complete the sale the city required 2 easement accesses through DNRC Land, which were granted by the Montana Board of Land

Commissioners on November 17, 2014. On March 24, 2014, DNRC released a Request for Proposals (RFP) for a commercial lease on the State owned property which closed on June 23, 2015 with an acceptable proposal.

Under a scenario where the nest tree and nearby perch trees are not removed and nest continues to be used by the pair, their presence creates a potential liability for DNRC, lessees, and contractors, particularly during the nesting period. During the egg laying, incubation and fledgling phases, necessary disturbance-causing activities near the nest could result in nest abandonment by adults and elevated risk of juvenile mortality and take of the species. While the timing of some needed activities can be regulated, restricting all development activities near the current nest site during the non-nesting period (August 16 to February 1) is not feasible for existing (eg. agriculture lease) and future uses (eg. planned industrial park development within the city of Bozeman). Thus, under the No Action Alternative future industrial and commercial activities would be slowed or halted entirely, which would have subsequent adverse consequences on some short and long-term employment opportunities, local tax revenues, and revenue generation for state trust beneficiaries.

Below is a compilation of some of the primary existing and ongoing interests and activities by their proximity to the nest site. All of these interests and activities could potentially be influenced by the presence of this newly established bald eagle nest. Attachment 1 provides a map of the relative location of these interests and activities, and their spatial relationship to the nest.

Within .125 miles

- Small grain farming lease ongoing
- Interstate 90, to the south and west
- Cell Tower presence and maintenance ongoing

Within a .25 miles

- Church construction project spring 2016
- Construction on the Lewis and Clark Subdivision, across Interstate 90
 - Storage units
 - Church
 - Springhill Suites (4 story hotel).
- Farm activities on the Mandeville's Farm
 - Annual Hay Maze at Mandeville Farm
- Construction of the roads and sewer infrastructure associated with the easements granted to the City of Bozeman

Within .5 miles

- New construction of Murdoch's Corporate Office
- Northwestern Energy gas pipeline relocation project
- Spacebank Storage Business & ongoing Construction
- UPS Expansion and renovation

- The Storage Place Expansion
- Rocky Mountain Credit Union Construction
- Hampton Inn, Embassy Suites & Restaurants existing businesses
- Multiple businesses along 19th Street and North 7th Street
 - Murdock's Shopping Center
 - Lowes Home Center
 - Hilton Gardens Inn
 - Old Chicago Pizza
 - Town Pump Gas Station
 - Homewood Suites
 - Fairfield Inn
 - Ramada Inn
 - McDonald's
 - Tractor & Equipment, Heavy equipment rental
 - Blitz Motorsports, Motorcycle Dealer

Future planned activities, consistent with the properties zoning and benefit to the community.

- Leasing and light industrial commercial development of the State of Montana land east of Mandeville Creek. Actual business that would occupy the site could include any business that would meet the City of Bozeman's M1 Standard, which includes hotels, ware housing and light manufacturing.

2. Action Alternative – Conversely to the No Action Alternative, should the nest be successfully removed and the eagle pair move on to a safer and more suitable location, the above listed activities could proceed, which would have positive effects on planning and industrial and commercial activities. It would further promote near-term and long-term employment opportunities in the development area and support the local tax base and revenue generation for state trust beneficiaries.

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 City of Bozeman annexed and zoned the State and City Land respectively M1 and M2.
- The City of Bozeman has established and Entry Way Corridor Zoning that effects a portion of these lands.
- The Montana DNRC Trust Lands Division, Real Estate Management Bureau has identified the State Trust land located within this parcel as a Commercial Development Project.

- The city of Bozeman has adopted The North Park Properties Concept Land Use Plan commissioned by the City of Bozeman and the DNRC.

Other Appropriate Social and Economic Circumstances:

The 148 acre agricultural lease has returned a ¼ crop share yielding a 5 year average of \$9119.00 or about \$61.62 per acres annually to the common school trust over the past 5 years. The land was recently appraised at \$18,013.05 per acre as agricultural land, considering the average \$62.63 per acre the derived the annual income return on the asset would be about 0.3 percent.

On the south east corner of this tract the DNRC has developed a 10 acre lot for commercial lease. This tract currently has an annual rental of \$64,158.13 or \$6,415.81 per acre annual return. Considering the appraisal \$18,013.00 per acre the derived the annual income return on the asset on the developed property is about 36 percent.

No Action: Under a scenario where the nest tree and nearby perch trees are not removed and nest continues to be used by the pair, their presence creates a potential liability for DNRC, lessees, and contractors, particularly during the nesting period. During the egg laying, incubation and fledgling phases, necessary disturbance-causing activities near the nest could result in nest abandonment by adults and elevated risk of juvenile mortality and take of the species. While the timing of some needed activities can be regulated, restricting all development activities near the current nest site during the non-nesting period (August 16 to February 1) is not feasible for existing (eg. agriculture lease) and future uses (eg. planned industrial park development within the city of Bozeman). Thus, under the No Action Alternative future industrial and commercial activities would be slowed or halted entirely, which would have subsequent adverse consequences on some short and long-term employment opportunities, local tax revenues, and revenue generation for state trust beneficiaries.

Action: Conversely to the No Action Alternative, should the nest be successfully removed and the eagle pair move on to a safer and more suitable location, the above listed activities could proceed, which would have positive effects on planning and industrial and commercial activities. It would further promote near-term and long-term employment opportunities in the development area and support the local tax base and revenue generation for state trust beneficiaries.

The parcel east of Mandeville Creek was appraised as commercial property as 4 tracts; Tract 1 (22.4 Acres) appraised at \$1,340,000, Tract 2 (10.7 acres) appraised at \$850,000, Tract 3 (25.5 acres) appraised at \$1,530,000, and Tract 4 (28.8 acres) appraised at \$1,730,000. Based on the current Board of Investments rate of return, a minimum lease rate could be established at 4% of the appraised value of the tracts per year which would yield an annual rental of \$53,600 for tract 1, \$34,000 for Tract 2, \$61,200 for Tract 3 and \$69,200 for Tract 4, for a total annual rental income to the Trust of \$218,000 if leased.

Environmental Assessment Checklist Prepared By:

Name: Ross Baty
Title: Biologist Forest Management Bureau
Date: 10/24/2016

Finding

Alternative Selected

Action Alternative: The subject bald eagle nest tree and nest would be removed along with 3 other adjacent mature cottonwood trees. All parts of the trees would be physically removed and the nest remains buried. Monthly monitoring of the site and pair would be required for two additional nesting seasons through 2018. The nesting pair of bald eagles would be purposefully displaced by the proposed action, to hopefully move to a more safe and suitable location. Some uncertainty in this occurring, however, is present. Should the pair re-locate to a distant site, development activities at the North Park location could resume and legal liability related to take of bald eagles for local landowners and contractors would be lessened. Should the pair not re-locate a sufficient distance from the site, DNRC would be required to re-initiate consultation with the USFWS to determine the next feasible course of action.

Significance of Potential Impacts

I have determined that none of the anticipated environmental impacts outlined in the EA are significant according to the criteria outlined in *ARM 36.2.524*. I find that no impacts are regarded as severe, enduring, geographically widespread, or frequent. Further, I find that the quantity and quality of various resources, including any that may be considered unique or fragile, will not be adversely affected to a significant degree. I find no precedent for future actions that would cause significant impacts, and I find no conflict with local, State, or Federal laws, requirements, or formal plans. In summary, I find that the identified adverse impacts will be avoided, controlled, or mitigated by the design of the project to the extent that the impacts are not significant.

Need for Further Environmental Analysis

EIS

More Detailed EA

No Further Analysis

Environmental Assessment Checklist Approved By:

Name: Craig Campbell

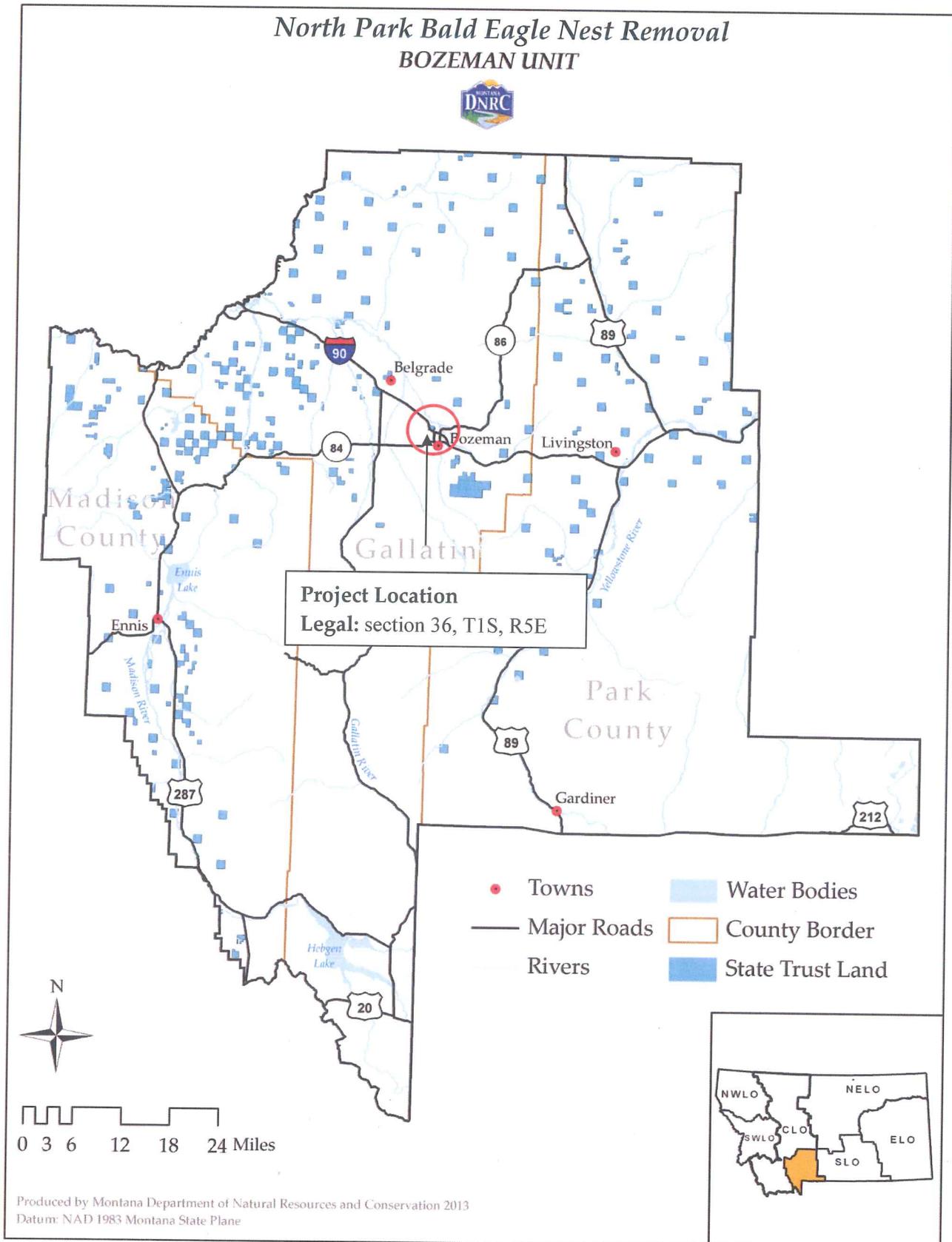
Title: Bozeman Unit Manager

Date: 11/9/2016

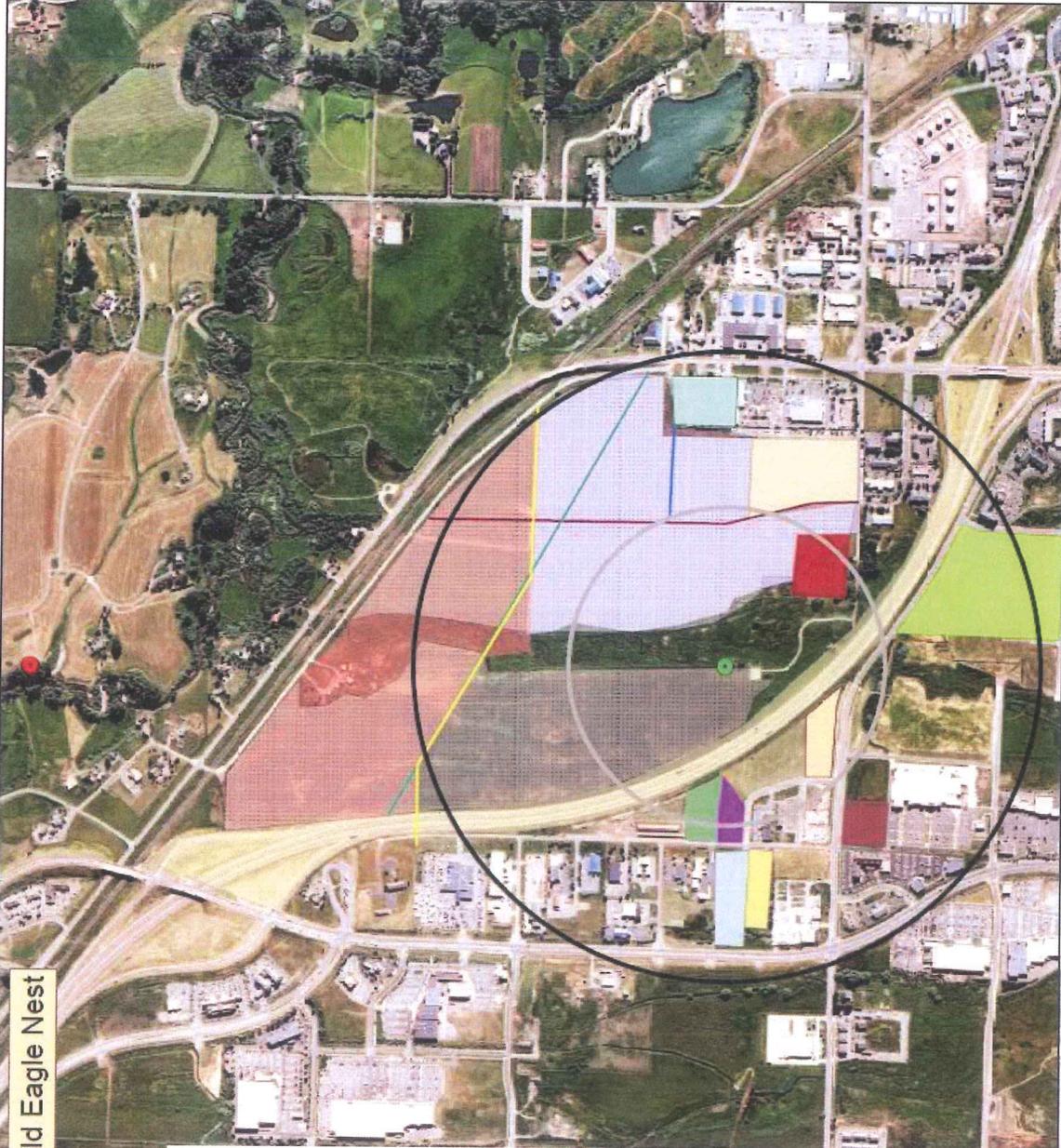
Signature: /s/ Craig Campbell



Vicinity Map



Attachment #1 - Bozeman Montana Bald Eagle Nest



- Legend**
- Original Nest
 - Eagle Nest
 - Quarter mile Buffer
 - Half Mile Buffer
 - New Sewer and Water Easement Project
 - Relocated Northwestern Energy Gas Line
 - Current Northwestern Energy Gas Line
 - Bozeman Water and Sewer Line
 - Interstate 90 & access
 - Spacebank Storage ongoing Construction
 - Cell Tower Presence & Maintenance
 - Maneville Farm
 - Small Grain Farming Lease
 - Hampton Inn, Embassy Suites & Restaurants
 - City of Bozeman Land Sale & Development
 - Rocky Mountain Credit Union Construction
 - The Storage Place, Summer 2015 expansion
 - UPS Facility expansion, current
 - Church Construction Spring 2016
 - Storage Units Under construction
 - Springhill Suites Construction Starts Spring 2016
 - North Park Lease Proposal
 - Murdocks Office Construction

