

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	<b>Amos Berky Improvement Request for Fence</b>
<b>Proposed Implementation Date:</b>	<b>Spring 2020</b>
<b>Proponent:</b>	<b>DNRC Grazing Lessee, Amos Berky</b>
<b>Location:</b>	<b>T19N R8E Section 16</b>
<b>County:</b>	<b>Cascade</b>
<b>Trust:</b>	<b>Common Schools</b>

### I. TYPE AND PURPOSE OF ACTION

The DNRC Grazing Lessee, Amos Berky, has submitted a proposal to place an improvement on Montana State Trust Land, grazing lease number 4997 located in T19N R8E Section 16. The portion of the improvement located on Trust Land would include building 0.8 miles of new fence on the northern side of Willow Creek Road and repairing 1.1 miles of existing fence on the south side of Willow Creek Road. Willow Creek Road is a county-maintained road, located in the N½N½ of this State Trust Land section. The section is fenced entirely on the section boundaries, and there is existing fence along the southern side of Willow Creek Road. The proposed new fence on the north side of the road would allow the lessee to graze some additional ~ 50 acres. Mr. Berky has not used those acres on the north side of the road in the past due to lack of fence along Willow Creek Road, and he would like to keep his livestock off the road. There appears to be remnants of an old fence along the north side of the road, but this fence has been in disrepair for many years. Portions of the proposed fence would go through hardwood understory and shrubs. This project would require some amount of mowing, tree cutting, and tree trimming to install and maintain the fence. A skid-steer type loader would be used to install the fence. New fence along both sides of Willow Creek Road will allow the lessee to improve grazing management and increase public safety by keeping cattle off the county road.

### II. PROJECT DEVELOPMENT

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

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

- Jake Doggett, Department of Fish, Wildlife, & Parks Wildlife Biologist
- Patrick Rennie, Department of Natural Resources and Conservation Archaeologist Montana Natural Heritage Program
- George, Edward & John Wood and Gerald & Marcelyn Stinson: Right of Way (easement holders) for private access road in NE¼ of Section 16 and has no concerns with the proposed fence-contacted by phone on 3/9/20.
- Larry Cunningham: Right of Way (easement holders) for private access road in NE¼ of Section 16 and has no concerns with the proposed fence-contacted by phone on 3/10/20.

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

No other governmental agencies with jurisdiction or additional permit requirements were identified during the scoping for this proposed project. The project, as proposed, would involve only Montana Trust Land allocated to the Common Schools.

#### 3. ALTERNATIVES CONSIDERED:

**Alternative A:** No action alternative. The proposed project would not be approved.

**Alternative B:** Action Alternative: Allow the proponent to install and maintain fence.

### III. IMPACTS ON THE PHYSICAL ENVIRONMENT

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

#### **4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:**

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

No fragile, compactable, or unstable soils are present. Construction of the project would entail installing approximately 1.9 miles of four strand barbed wire fence with 10", 20", 30" and 40" height spacing. Soil would be disturbed where fence posts are put into the ground and where equipment is needed to operate for installation. Impacts to the soil would be minimal, due to the small scale and short construction time frame of the project on the landscape.

#### **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.*

Topographic maps indicate two unnamed tributaries to Big Willow Creek that flow through the area where the fences would be constructed. There are existing culverts under Willow Creek Road and these tributaries flow year-round. Construction for the proposed fence would need to take place through the tributaries and surrounding wet areas. Construction time would be one-time, short duration, with minimal impacts to water quality, quantity and distribution. Any large motorized equipment used for fence installation would not park in flowing water and fence posts would be placed on either side of the tributaries. Any alterations to the waterways for this project would not be permitted. This project construction phase could have minimal effects on water quality, quantity and distribution.

#### **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 would not be affected by this project.

#### **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 proposed fence on state land is mostly in a very productive, high elevation, mountainous region. Montana Natural Heritage classifies the areas along the road as Rocky Mountain Lower Montane, Foothill and Valley Grassland, and Aspen Forest and Woodland. Plant species present on this section include aspen, snowberry, woods rose, Hawthorne, mountain brome, elk sedge, bearded wheatgrass, pinegrass, Oregon grape, spirea and various forbs. Vegetative communities would not be negatively, significantly affected by this project due to the low amount of disturbance and short construction period. Cover, quantity, and quality of vegetative communities would improve with these fences and continued appropriate grazing management. The DNRC grazing lessee would continue to be responsible for weed management as described in the lease agreement.

#### **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.*

FWP Biologist Jake Doggett commented on the proposed fence with the following information. Wildlife surveys indicate several small groups of elk, and occasionally moose move through the area of the proposed fence project. There are many species of wildlife in this area including elk, deer, and moose, and all three species can have an impact on infrastructure including fences. The addition of the proposed project would result in three fences in a short distance and wildlife movements could be altered as a result of the proposed fence. Hunters, wildlife watchers and neighboring landowners may notice differences in wildlife use of the state land. Doggett concluded this project would result in unknown or minor impacts to terrestrial, avian and aquatic life and habitats.

#### **9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

The Montana Natural Resource Information Service (NRIS) was queried for information regarding sensitive or endangered species located in the vicinity of the project area. The query results found no point observations in the section where the project would be installed. Point observations for three bird species were found in section 10, to the north east of section 16, and less than one mile from the project location. The bird species are: Brown

Creeper, Clark's Nutcracker, and Veery. Query results also found the Spotted Bat to have confirmed area of occupancy based on documented presence within 10,000 meters of section 16. This project would not cause direct, indirect, or cumulative effects on these species.

**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 revealed that no cultural or paleontological resources have been identified in the APE. Because of the low impact nature of the proposed project, no additional archaeological investigative work will be conducted.

A field inspection by DNRC Land Use Specialist Heidi Crum was completed on 9/16/19. No cultural resources were found in the vicinity of the proposed project.

**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 project is located in a rural portion of Cascade County, and it will alter aesthetics of the area temporarily during construction and minimally when the project is complete.

**12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

No demands for additional environmental resources are required for this project. No cumulative effects to environmental resources should result from this project.

**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

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

No other studies, plans, or projects were identified during the scoping for this project.

**IV. IMPACTS ON THE HUMAN POPULATION**

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

**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

No health or safety risks are posed by the project.

**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

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

If approved, this project is designed to assist the DNRC lessee to improve grazing management on state land.

**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 project will not create or eliminate permanent jobs in the area.

**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.*

No significant increase in tax revenues are expected as a result of this project.

**18. DEMAND FOR GOVERNMENT SERVICES:**

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

No increased demand for government services are expected as a result of this project.

**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.*

No locally adopted environmental plans will be affected by this project.

**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.*

This project will not negatively alter recreational activities in the area, walk-in access will remain the same.

**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

No change in population will result from this project.

**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

No change in social structures and mores are expected as a result of this project.

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

The action would not affect 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 grazing lease generates approximately \$1,938 in grazing fees annually for Common Schools. This project is designed to assist the DNRC lessee to improve grazing management on state land.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Heidi Crum	<b>Date:</b> 3/10/20
	<b>Title:</b> Land Use Specialist	

## V. FINDING

### 25. ALTERNATIVE SELECTED:

**Alternative B:** Action Alternative: allow the proponent to install a fence.

### 26. SIGNIFICANCE OF POTENTIAL IMPACTS:

As proposed, the installation of the fence will help the lessee improve grazing management on State leased land. While "unknown or minor impacts" to terrestrial, avian and aquatic life and habitats may occur. No long term or cumulative impacts are anticipated from the implementation of this proposal.

### 27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

**EA Checklist Approved  
By:**

**Name:** Andy Burgoyne  
**Title:** CLO Trust Land Program Manager

**Signature:**



**Date:** March 11, 2019

