

## CHECKLIST ENVIRONMENTAL ASSESSMENT

|                                      |  |
|--------------------------------------|--|
| <b>Project Name:</b>                 | Reid Smith Fence Build                 |
| <b>Proposed Implementation Date:</b> | July 2020                              |
| <b>Proponent:</b>                    | Reid Smith (Bridge Careless Creek LLC) |
| <b>Location:</b>                     | 11N 18E 36                             |
| <b>County:</b>                       | Wheatland                              |
| <b>Trust:</b>                        | Common Schools                         |

### I. TYPE AND PURPOSE OF ACTION

The purpose of this EA is to assess the environmental impacts of building a barbed wire fence on State Trust Lands.

### 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 Department of Natural Resources and Conservation (DNRC)  
Northeastern Land Office (NELO) & Lewistown Unit Office  
Proponent: Reid Smith (Bridge Careless Creek LLC)  
Surface Lessees: Reid Smith (Bridge Careless Creek LLC)  
Other:

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

The DNRC, and NELO have jurisdiction over this proposed project.

The proponent is responsible for acquiring all necessary permits for the proposed project and settling all surface damages with the surface lessees.

#### 3. ALTERNATIVES CONSIDERED:

**Alternative A (No Action)** – Under this alternative, the Department does not grant permission to build a barbed wire fence.

**Alternative B (the Proposed Action)** – Under this alternative, the Department does grant permission to build a barbed wire 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.*

All the areas that will be disturbed by the fencing would be in the slight rated areas for off road erosion. Because most of the disturbance will mostly be from trucks driving on the rangeland there should be no other risks to soil quality or stability.

| Table – Erosion Hazard (Off-Road, Off-Trail) – Summary by Rating Value |        |                         |                |        |
|--|--------|-------------------------|----------------|--------|
| Summary by Rating Value  |        | Summary by Rating Value |                |        |
|  | Rating | Acres in AOI            | Percent of AOI |        |
| Slight   |        | 51.1                    |                | 100.0% |
| Totals for Area of Interest  |        | 51.1                    |                | 100.0% |

No significant cumulative impacts to geology or soil quality, stability, and moisture are anticipated.

#### 5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

Surface water may be affected briefly with some added sediment loads where the fence goes across or up to the creek. Groundwater is also not likely to be affected because the only ground disturbance will be pounding fence posts no greater than 18" deep. No significant impacts to local or regional water resources are anticipated.

#### 6. AIR QUALITY:

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

Air quality may be temporarily and minorly affected due to dust and exhaust from equipment but will be confined to the several days during construction and will have no lasting effects. No significant impacts to air quality are anticipated.

#### 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.*

There will be very little area of vegetation disturbed by this project. Most of the disturbance will just be plants crushed by vehicles driving on them and those plants will likely recover within a year or two. Little to no vegetation clearing is anticipated.

If re-seeding is necessary the proponent will acquire certified, weed free seed and refer to the Plant Materials Tech Note No. MT-46 (Rev. 4) dated September 2013 for seeding rates.

No rare plants or cover types are present. No significant impacts to vegetation are anticipated.

**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.*

No long-term effects to wildlife habitat are expected. The period of human activity may cause some temporary displacement but once the fence is in place the habitat should not be negatively affected.

No significant impacts to terrestrial, avian, or aquatic habitats are anticipated.

**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.*

There are several bird species that are known to occur on this section. They are the Sprague's pipit, Clark's nutcracker and the mountain plover. Since all of these are small mobile song birds the only effect to them should be temporary displacement.

No significant impacts to unique, endangered, fragile or limited environmental resources are anticipated, though temporary displacement of local wildlife may occur during the project.

**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 *Antiquities* have not been identified in the APE. 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.

No significant effects on historical, archaeological, or paleontological resources anticipated.

**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.*

A new fence will be visible from the road but fences are commonly seen in association with the agricultural activities of the surrounding area so there should be no negative impacts.

No significant impacts on the aesthetics of the area are anticipated.

**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 limited environmental resources will be significantly impacted because of this project. This project will also not add any significant cumulative demands 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.*

There are no other projects or plans being considered on the tracts listed in this EA Checklist.

**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.*

There are some risks associated with the construction of the fence. The risks during the construction of the fence are the responsibility of the proponent to mitigate.

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

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

This project will not add to or deter from other industrial, agricultural, or commercial activities in the area.

**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

The project will not create or eliminate any jobs, so no significant effects to the employment market are anticipated.

**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.*

There are no direct or cumulative effects to taxes or revenue for the proposed 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*

There will not be any significant increases in traffic, school attendance, or need for fire and police protection if this project is approved.

**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

There are no zoning or other agency management plans affecting 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.*

**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.*

There will be no significant direct or cumulative effects on access to or quality of recreation and wilderness activities because of this project.

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

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

The proposed project does not include any changes to housing or developments.

**22. SOCIAL STRUCTURES AND MORES:**

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

There are no native, unique or traditional lifestyles or communities in the vicinity that would be significantly impacted by the proposal.

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

The proposed project will have no significant impact on any culturally 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 proposed project will not have any significant cumulative economic or social effect and will not create any immediate or future revenue to the school trust. It will allow for better grazing practices which will allow for better utilization of the land.

## V. FINDING

### 25. ALTERNATIVE SELECTED:

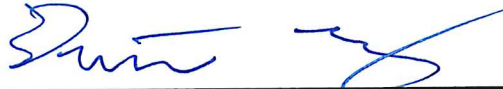
**Alternative B (the Proposed Action)** – Under this alternative, the Department does grant permission to build a barbed wire fence.

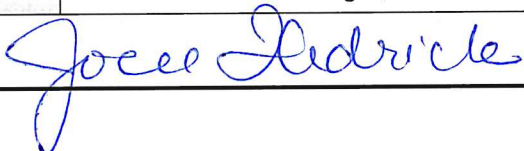
### 26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have evaluated the potential environment effects and have determined no significant impact to the environment because of this project.

### 27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

|   |   |
|---|---|
| <b>EA Checklist<br/>Prepared By:</b>  | <b>Name:</b> Dustin Lenz<br><b>Title:</b> Land Use Specialist |
| <b>Signature:</b>  | <b>Date:</b> 15 MAY 2020                                      |

|   |  |
|---|--|
| <b>EA Checklist<br/>Approved By:</b>  | <b>Name:</b> Jocee Hedrick<br><b>Title:</b> Unit Manager, Northeastern Land Office |
| <b>Signature:</b>  | <b>Date:</b> 5/15/2020   |



# DEPARTMENT OF NATURAL RESOURCES & CONSERVATION IMPROVEMENTS REQUEST FORM

✓ FENCE ON NORTH BORDER OF STATE LAND

To expedite the processing of requests to place improvements on state lands, please complete the following, and indicate on the plat the location of proposed improvements.

Type of improvements; (include type and amount of materials, number of acres, and approximate cost.)

WOOD POST FENCELINE ALONG  
NORTH BOUNDARY OF NORTH 1/2  
OF NORTHWEST 1/4, TOWNSHIP  
4 & 5" & WOOD POST W. 4  
STANDS OF BARBED WIRE.  
121 POST SPACING  
Are cost share funds being used for this project? YES (NO) ☒

If yes, list source of cost share funding and the amount attributable to the improvements on this state land.

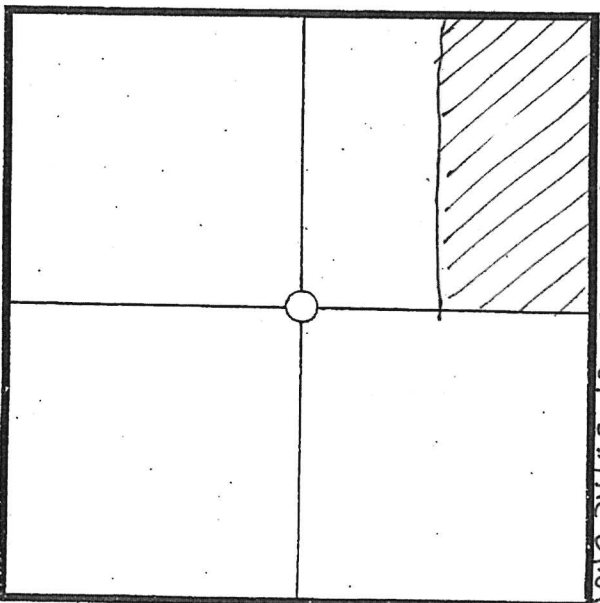
Source: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Total out-of-pocket expenses for these improvements on state land.

Amount \$ 3000.00 + -

Township 11 N / S Range 18 E / W Section 36  
(Scale: 4" = 1 mile)



This agreement is made upon the express condition that the lessee shall assume all liability for any injury, property damage or loss by any persons, including such loss to any employee or property of lessee, its agents, or third persons, or to the lessee, from any cause or causes arising from placing the above-described improvements on state land. Lessee shall indemnify lessor and save, protect, defend, and hold lessor harmless from any and all liability, loss, damage, expense (including legal attorney fees), causes of action, suits, claims or judgments arising from injury to person or property or resulting from or based upon lessor's ownership of the property, which is the subject of this lease, from any cause or causes arising from placing the above-described improvement on state land, and shall, at lessee's own cost and expense, defend any and all suits which may be brought against lessor, either alone or in conjunction with others, upon any such liability or claim(s). Lessee shall satisfy, pay and discharge any and all judgments and fines that may be recovered against lessor in any such action(s).

This request form complies with the intent of Section 77-6-301, MCA, and ARM 26.3.152. Improvements placed on state lands without approval of the Department shall not be recognized as a valid improvement and not subject to the terms and conditions of arbitration.

I hereby request the Department's permission for the above-described practice.

Reid Smith (REID SMITH) FOR BLADE CARELESS CREEK, LLC  
5-6-2020

Signature of Lessee/Licensee

Date

Agreement (Lease) No. 4834

APPROVAL OF IMPROVEMENTS  
(Department Use Only)

