

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	APF 2019 Bison Grazing Proposal
Proposed Implementation Date:	Summer 2026
Proponent:	American Prairie Foundation, PO Box 908, Bozeman, Montana 59771
Location:	Section 16, T25N, R31E (Flat Creek BLM Allotment) Sections 8, 9, 11, 12, 13, 16, 17, 20, 24, and 36, T27N R28E (Whiterock Coulee BLM Allotment) Sections 16, 36, T26N, R29E (Whiterock Coulee BLM Allotment) Section 36, T25N, R27E (French Coulee BLM Allotment) Section 16, T24N, R28E (Garey Coulee BLM Allotment)
County:	Phillips

I. TYPE AND PURPOSE OF ACTION

State leases 8171, 9361, 8160, and 9650 currently authorize American Prairie Foundation (APF) to graze cattle year-round on approximately 4,310 acres of state trust land (STL). The State leases are generally located in the following United States Bureau of Land Management (BLM) allotments approximately 35 miles south-southeast of Malta, in Phillips County, Montana: Flat Creek, Whiterock, East Dry Fork/French Coulee, and Garey Coulee allotments.

In 2019, APF submitted a proposal to construct, reconstruct, modify, and remove fencing and to change the class of livestock on State leases 8171, 9361, 8160, and 9650 from cattle to bison and cattle ("2019 Proposal").¹ The 2019 Proposal concurrently proposes to construct, reconstruct, modify, and remove fencing and to change the class of livestock associated with BLM grazing permits on approximately 57,000 acres² of BLM land. The 2019 Proposal proposes that fence construction, reconstruction, or modification will be developed to meet Montana Fish, Wildlife and Parks' "wildlife friendly" standards with a four-wire fence, with a second from the top high tensile electric wire and the installation of solar charging panels. Electric fence notification signs will be installed at gates and cattle guards. Single cattleguards will be replaced with double cattleguards.

The changes to the State leases requested in the 2019 Proposal are summarized as follows:

State Lease 8171 (Flat Creek BLM Allotment)

Fencing:

- APF proposes to electrify approximately 2 miles of existing fencing on the north and west boundary of the STL in S16, T25N, R31E with BLM land. The south boundary of the STL with the BLM land will be unfenced and the east boundary with BLM land and APF private land will be unfenced.

Grazing:

- APF proposes a four-pasture rest-rotation grazing of bison and cattle in conjunction with BLM and private land.

¹ Although the 2019 Proposal includes references to State leases 4873 and 8124 in or adjacent to the Telegraph Creek and Box Elder BLM Allotments, APF does not propose any fencing changes or class of livestock changes to either of those State leases. Both State lease 4873 and 8124 presently authorize year-round grazing for bison and cattle. Accordingly, State leases 4873 and 8124 are not evaluated in this analysis.

² The 2022 BLM Decision discussed in Section II-2 determined that the 2019 Proposal included a total project area of 107,850 acres that included 63,065 acres of BLM administered lands, 32,710 acres of APF private land, and 5,830 of State trust land. It is not necessary to resolve the acreage discrepancies between the 2019 Proposal and the 2022 BLM Decision for purposes of this analysis. For purposes of this analysis, the reference to the approximately 57,000 acres of BLM land will be used consistent with the language in the 2019 Proposal.

State Lease 9361 (Whiterock Coulee BLM Allotment)

Fencing:

APF proposes to electrify and maintain fencing that partially borders some STL in S 11, 13, and 24, T27N, R28E. Boundaries of all STL in S 11, 12, 13, and 24, T27N, R28E, remain either completely or partially unfenced from other BLM and APF private land in the allotment.

APF proposes to reconstruct, electrify, and maintain fencing that transects STL in S 8, 9, 17, and 20, T27N R28E. Boundaries of these sections interior to the allotment boundary remain unfenced from BLM and APF private land in the allotment. S 16, T27N, R28E, would remain entirely unfenced on all boundaries between BLM and APF private land in the allotment.

- APF proposes to electrify approximately 2 miles of existing fencing on the east and south boundary of the STL S36, T27N, R28E with BLM land. APF proposes to remove approximately 1 mile of existing fencing on the north boundary of the STL in S36, T27N, R28E with the BLM land. The west boundary of the STL with the BLM land will remain unfenced.
- APF proposes to construct, electrify and maintain approximately 1 mile of electric fence on the east boundary of the STL in S16, T26N, R29E with the BLM land and remove approximately 1 mile of existing fencing on the north boundary of the STL in S16, T26N, R29E with BLM land. The existing fencing on the south boundary of the STL with APF private land will be retained and maintained. The west boundary of the STL with the APF private land will remain unfenced.
- APF proposes to remove approximately 2 miles of existing fencing on the north and west boundary of the STL with APF private land and to remove approximately ½ mile of existing fencing on the east boundary of the STL in S36, T26N, R29E with BLM land. The south boundary of the STL with the BLM land will be unfenced.

Grazing:

- APF proposes a three-pasture deferred rotation grazing of bison and cattle in conjunction with BLM and private land.

State Lease 8160 (East Fork/French Coulee BLM Allotment)

Fencing

- APF proposes to remove approximately 2 3/4 miles of existing fencing on the east, north and west boundary of the STL in S36, T25N, R27E with APF private land. APF proposes to retain and maintain approximately 1 mile of existing fencing on the west and south boundary of the STL in S36, T25N, R27E with the BLM land. APF proposes to electrify approximately 1/4 mile of existing fencing on the south boundary of the STL in S36, T25N, R27E with APF private land.

Grazing:

- APF proposes grazing bison and cattle in conjunction with BLM land and private land.

State Lease 9650 (Garey Coulee BLM Allotment)

Fencing:

- All boundaries of the STL with the BLM land and APF private land in S16, T24N, R28E will remain unfenced.

Grazing:

- APF proposes a three-pasture deferred rotation grazing of bison and cattle in conjunction with private land and BLM land in Garey Coulee and East Dry Fork allotments.

II. PROJECT DEVELOPMENT

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

Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

See Scoping Summary as Attachment A.

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

Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.

APF's 2019 Proposal requires a BLM grazing permit(s). See 43 § CFR 4130.2.

As explained in Section I, APF's 2019 Proposal contemplates fencing in common and grazing rotation of bison on State leases in conjunction with approximately 57,000 acres of BLM land in the Flat Creek, Whiterock, East Dry Fork/French Coulee, and Garey Coulee BLM allotments. Accordingly, APF's 2019 Proposal requires grazing permits from BLM. See 43 USC § 315(b), § 1752 and 43 CFR § 4130.2. DNRC originally determined it would wait until after the BLM's National Environmental Policy Act (NEPA) process was completed before proceeding with evaluating APF's 2019 Proposal as it relates to the STL acres.

The history of the BLM permitting process can be found at the BLM National NEPA Register site for "NEPA Number: DOI-BLM-MT-L010-2018-0007-EA Project Name: American Prairie Change-of-Use"³ ("Project Website").

In July 2021, BLM issued a Draft EA and Draft Finding of No Significant Impact (FONSI). See, 2021 Draft EA and Draft FONSI at Project Website. On March 25, 2022, BLM issued its Final EA and FONSI. See, 2022 EA and FONSI at Project Website. The EA analyzed four alternatives for each BLM allotment: Alternative A (current management); Alternative B (applicant proposed alternative); Alternative C (combining bison grazing with current management practices); and Alternative D (no grazing). On March 29, 2022, BLM issued a Notice of Proposed Decision. See, 2022 Decision at Project Website. After multiple protests, including protests from Montana executive agencies, BLM issued a Notice of Final Decision on July 28, 2022 (2022 BLM Decision). See, 2022 Decision at Project Website. The 2022 BLM Decision implemented Alternative B for Telegraph, Box Elder, Flat Creek, and Whiterock Coulee allotments, and Alternative C for French Coulee, Garey Coulee, and East Dry Fork allotments. The 2022 BLM Decision resulted in extensive appeals and litigation.

In December 2025, the Secretary of the U.S. Department of the Interior assumed jurisdiction over pending appeals and remanded the 2022 BLM Decision back to BLM for reconsideration.

On January 16, 2026, BLM issued a Notice of Proposed Decision. 2026 Proposed Decision at Project Website. In the 2026 Proposed Decision, BLM found it lacked legal authority to issue grazing permits for APF's non-production bison pursuant to the Taylor Grazing Act, the Federal Land Policy and Management Act, and the Public Rangelands Improvement Act. Following a protest period, on May 8, 2026, BLM issued its Notice of Final Decision (2026 BLM Decision), affirming its proposed decision. 2026 Final Decision at Project Website. The 2026 BLM Decision: terminated APF's permits that authorized bison grazing on BLM land in Telegraph Creek, Box Elder, Flat Creek, Whiterock Coulee, French Coulee and Garey Coulee BLM allotments; issued cattle only grazing permits for those allotments; and requires removal of bison from the BLM allotments.

APF is not authorized to graze bison on the approximately 57,000 acres of BLM land in the BLM allotments where the STL leases are located under the 2019 Proposal. APF's 2019 Proposal either removes, or leaves unfenced, approximately 23 miles of STL boundaries associated with State leases 8171, 9361, 8160, and 9650.

³ https://eplanning.blm.gov/Documents/?id=23a49ba0-a7f2-f011-8407-001dd803d067&spid=d3045e6f-a8f2-f011-8407-001dd80bcf93&gclid=1*14c7yet*_ga*NzQ3Njg1ODM3LjE3NzkyOTg5NDk.*_ga_GOKKTMMT8V*czE3ODQwMzY4MjAkczUkZzAkDE3ODQwMzY4MjMkajU3JGwwJGgw#

The unfenced boundaries allow direct or indirect access of bison from State leases 8171, 9361, 8160, and 9650 to BLM land.

Montana law provides "[i]t is unlawful for an owner or person in control of swine, sheep, llamas, alpacas, bison, ostriches, rheas, emus, or goats to willfully permit the animals to run at large." Section 81-4-201, MCA. APF's 2019 Proposal does not provide control and fencing to prevent APF's bison from running at large on lands where they are not authorized, contrary to law. This forecloses the need for further analysis.

3. ALTERNATIVE DEVELOPMENT:

Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.

Alternative A: The proposed change in class to bison and cattle, fence construction, reconstruction, modification, and removal associated with state leases 8171, 9361, 8160, and 9650 would be authorized.

Alternative B: No Action Alternative. The proposed change in class to bison and cattle, fence construction, reconstruction, modification, and removal associated with State leases 8171, 9361, 8160, and 9650 would not be authorized. APF would continue to be authorized to graze cattle only on State leases 8171, 9361, 8160, and 9650.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

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| <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> |
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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 direct, indirect, and cumulative effects to soils.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative effects to water resources.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

6. AIR QUALITY:

What pollutants or particulate would be produced (i.e. particulate matter from road use or harvesting, slash pile burning, prescribed burning, etc)? Identify the Airshed and Impact Zone (if any) according to the Montana/Idaho Airshed Group. Identify direct, indirect, and cumulative effects to air quality.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative effects to vegetation.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify direct, indirect, and cumulative effects to fish and wildlife.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative effects to these species and their habitat.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative effects to aesthetics.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative effects to environmental resources.

See Section II-2 above for discussion of impacts to BLM land.

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.

American Prairie Reserve Bison Change of Use Environmental Assessment (EA) (DOI-BLM-MT-L010-2018-0007-EA)

BLM Notice of Final Decision (May 8, 2026)

See Section II-2 above for discussion of impacts to BLM land.

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.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

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

Impacts were not evaluated because APF's 2019 Proposal does not provide adequate fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify direct, indirect, and cumulative effects to taxes and revenue.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative effects of this and other projects on government services

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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.

See Section II-2 above for discussion of impacts to BLM land.

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 direct, indirect, and cumulative effects to recreational and wilderness activities.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify direct, indirect, and cumulative effects to population and housing.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Impacts were not evaluated because APF's 2019 Proposal does not provide adequate fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

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 direct, indirect, and cumulative economic and social effects likely to occur as a result of the proposed action.

Impacts were not evaluated because APF's 2019 Proposal does not provide fencing to prevent bison from running at large on BLM land in violation of Section 81-4-201, MCA.

V. FINDING

25. ALTERNATIVE SELECTED:

The No Action Alternative B is being selected because APF's 2019 Proposal does not provide control and fencing to prevent APF's bison from running at large on lands where they are not authorized, contrary to law.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The No Action Alternative B results in no significant potential impacts.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:☐

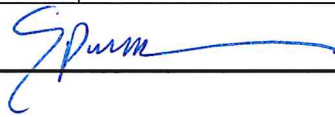
EIS

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More Detailed EA

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No Further Analysis

EA Checklist Approved By:	Name: Erin Weisgerber Title: DNRC Deputy Director
Signature: 	Date: 7-17-26

American Prairie's 2019 Revised Bison Grazing Proposal (2019 Proposal)

Summary of Public Comments

During the 14-day scoping of the American Prairie's Revised Bison Grazing Proposal from June 26, 2026, to July 10, 2026, the DNRC received 522 online comments and 5 comment letters from Montana agencies and non-profit organizations. DNRC utilized Perplexity AI to summarize comments and write portions of this report.

Online Public Comments

Of the public comments submitted online, approximately 90% expresses support bison grazing on State Lands approximately 10%, expressed opposition.

Of the public comments submitted online, 304 individuals (55%) are residents of Montana from 33 different counties across the state. Approximately, four commenters were from Phillips County where the proposed project is located.

Public Comment Letters

Three Montana state agencies provided letters in opposition to the 2019 Proposal. American Prairie and two other organizations provided letters in support of the 2019 Proposal.

American Prairie (AP), Gallatin Wildlife Association (GWA) and Coalition of Large Tribes (COLT)

These commenters provided extensive documents in which they expressed support for the 2019 Proposal citing ecological and financial benefits of the proposal.

Montana Department of Livestock (MDOL), Montana Department of Agriculture (MDA) and Montana Department of Fish, Wildlife & Parks (FWP)

These state agencies provided extensive documents in which they expressed opposition to the 2019 Proposal citing extensive litigation, information gaps, and uncertainty regarding the impacts of the proposal.