

## CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC REAL ESTATE MANAGEMENT ACTIVITY

Project Name: Montana Big Game Pursuits (Ernie Jablonsky), Non-Exclusive Outfitting on State Trust Lands

Proposed Implementation Date: 04/15/2026

Proponent: Montana Big Game Pursuits, DNRC-Plains Unit

Type and Purpose of Action: Non-Exclusive Outfitting on State Trust Lands

Location: 20N 25W Sections 8, 9, 10, 16; 1905.7 acres NE of Plains

County: Sanders

**Category (as identified and written in ARM 36.25.918 (1)(a-o)):**

- ☐ (a) lease and license administration including review, inspection, amendments, assignments, renewals, and enforcement of terms and conditions;
- ☐ (b) department review and approval of lease or license modifications, improvements, removal of improvements, and new utility service connections, consistent with applicable regulations;
- ☐ (c) adjustments to the boundaries of existing leases or licenses, consistent with applicable regulations;
- ☐ (d) project planning and design;
- ☐ (e) project evaluation under ARM [36.25.906](#);
- ☐ (f) development of a site selection report under ARM [36.25.907](#);
- ☐ (g) project selection under ARM [36.25.908](#);
- ☐ (h) development of the project management list under ARM [36.25.909](#);
- ☐ (i) marketing of state trust lands proposed for lease, license, or easement;
- ☒ (j) short-term land use licenses, involving no resource extraction or developed uses, and conforming to local permitting and land use regulations;
- ☐ (k) other real estate management activities administered by the bureau on state trust lands that are not in connection to:
  - (i) a department proposal for a sale, exchange, easement, placement of improvement, lease, license, or permit; or
  - (ii) a department review of an application for authorization of a sale, exchange, easement, placement of improvement, lease, license, or permit;
- ☐ (l) department request to amend a local growth policy or zoning regulation;
- ☐ (m) department request to amend or develop a neighborhood plan or extension of services plan;
- ☐ (n) annexation; and

- ☐ (o) land acquisition. Categorical exclusions include activities on state trust lands conducted by others under the authority of the department as well as activities conducted by the department itself.

The Department of Natural Resources and Conservation, Trust Land Management Division, has adopted the above categorical exclusions for real estate activities conducted on state trust lands. "Categorical Exclusion" refers to a type of action that does not individually, collectively, or cumulatively require an EA or EIS unless extraordinary circumstances occur (ARM 36.2.522(5)).

**Extraordinary Circumstances:**

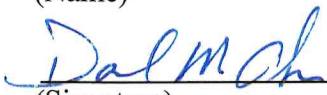
Will the proposed action affect one or more of the following resources, species or situations in the project area? If the resource, species, or situation is present, but project design avoids potential adverse effects on the resource, the answer is "No". One "Yes" answer indicates that Categorical Exclusion is not appropriate for the project, and an EA or EIS must be conducted.

YES      NO

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a) upon sites with high erosion risk.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b) where critical habitat for federally listed threatened and endangered species may be affected  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c) where Native American religious and cultural sites may be affected   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d) where archaeological sites may be affected   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | e) where historic properties and areas may be affected  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f) where several related categorically-excluded individual activities may cumulatively result in significant impacts to the human environment because they will either occur closely in time, or in the same geographic area. Such related actions may be subject to environmental review even if they are not individually subject to review |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | g) where the activity would result in a violation of any applicable local, state, or federal laws or regulations  |

The project listed above meets the definition of the indicated categorical exclusion, including specified conditions and extraordinary circumstances, as provided in the Real Estate Management Project Rules (ARM 36.25.918).

Prepared by: Colette Morgan      1/28/26  
(Name)      (Date)

Decision by: David M. Olsen      Program Manager  
(Name)      (Title)  
      1-28-26  
(Signature)      (Date)

**To:** Colette Morgan, Project Leader

**From:** Tony Nelson

**Date:** January 16, 2026

**Subject:** Montana Big Game Pursuits Guided Hunt SRUL (26001) CatEx

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The proposed event would include outfitted trips on portions of sections 8, 9, 10 and 16, T20N R25W on DNRC's Plains Unit. Approximately 1,904 acres of School Trust Lands would be under non-exclusive license by Montana Big Game Pursuits for the purpose of black bear hunting. Lands included under this SRUL were previously under the same outfitter/use as what is proposed here. A change in land ownership of the surrounding outfitter cooperative has prompted the need for a new SRUL. Additionally, public hunting access and pressure is widespread in the proposed area. The proposed activity would use existing roads in places, but would mostly occur in a dispersed pattern across the parcels of State Trust Lands. The proposed activity would be completed under dry soil conditions. None of the proposed activity would take place within the SMZ of the streams identified on the State Trust Lands Parcels.

According to ARM 36.11.447 (w), the project meets the criteria necessary to be nominated as a project categorically excluded from analysis under the Montana Environmentally Policy Act. To ensure the soil, water and fisheries resources present in the project area do not preclude the CatEx designation; this document will assess the risk to existing resources including addressing the extraordinary circumstances listed in ARM 36.11.447 (a) (b) (c) (d) and (i).

Issue	Assessment	Meet Criteria for CatEx?
High erosion risk soils? ARM 36.11.447 (2)(a)	Soils types in the area were reviewed as well as the Soils analysis for previous projects. None of the soils are considered to be high erosion risk. Frozen or dry conditions will limit the risk of compaction.	Yes
Federally listed threatened and endangered <i>aquatic</i> species or critical habitat for threatened and endangered <i>aquatic</i> species as designated by the USFWS? Adapted from ARM 36.11.447 (2)(b)	No critical habitat for threatened or endangered <i>aquatic</i> species is present in parcels proposed for activity. The Clark Fork River is listed as critical bull trout habitat below the proposed activity area. None of the proposed activity would take place within an SMZ or RMZ. Because the proposed activity would be located away from any surface water, only a very low risk of impacts would exist.	Yes
Within a municipal watershed? ARM 36.11.447 (2)(c)	The Boyer Creek watershed is not considered as a municipal watershed at the project area. No municipal water supply surface water diversions were found within 1 mile downstream of the project. Due to the size of the project and the location away from streams, only a very low risk of impacts would exist.	Yes
SMZ of fish bearing streams or lakes...? ARM 36.11.447 (2)(d)	Identified areas of activity are all located outside of the SMZ and outside of the 100-foot RMZ. Access to the proposed project area would use moderate standard forest roads.	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(i)	Per ARM 36.11.423 (1) (a-b), DNRC has completed a coarse filter screening for cumulative effects, which is located in the project file. Due to the small scale of this project in relation to the watershed size, and the nature of the proposal to allow non-motorized guided hunting, the risk of additional cumulative impacts would be very low and likely immeasurable. Therefore, cumulative impacts would remain acceptable for this watershed.	Yes

**Conclusion:**

This project meets watershed, soils, and fisheries criteria for a categorical exclusion because the potential for impacts to these resources would be very low.

Please ensure the following mitigation measures are included in all forest management activities:

ARM 36.11.422 (2) and (2)(a) state that appropriate BMPs shall be determined during project design and incorporated into implementation. To ensure that the incorporated BMPs are implemented, the specific requirements would be incorporated into the DNRC SRUL. As part of this alternative design, the following BMPs and recommendations are considered appropriate and, would be implemented during harvesting operations:

- 1) Limit activities to periods when soils are relatively dry, (less than 20 percent oven-dry weight) in order to minimize soil compaction. Try to avoid use of old skid trails to minimize the risk of increased erosion.
  - Soil-moisture content at 4-inch depth is less than 20% of oven-dry weight.



# Memorandum

**To:** Colette Morgan  
**Cc:** Tony Nelson  
**From:** Justin Cooper, Wildlife Biologist  
**Date:** January 15, 2026  
**Re:** Montana Big Game Pursuits (Ernie Jablonsky) SRUL -wildlife comments

I reviewed the proposed SRUL for outfitted trips on approximately 1,904 acres of Trust Lands on DNRC's Plains Unit. The four sections that are being requested are T20N, R25W, portions of sections 8, 9, and 10, and all of section 16. Lands included under this SRUL were previously under the same use as what is proposed here. Public hunting access and pressure is widespread in the proposed area. Outfitting would primarily take place for the purpose of hunting black bear from April 15<sup>th</sup> to June 15<sup>th</sup>. Under the SRUL, motorized use would only occur on existing open and seasonally open roads; off-road and behind-closure vehicle use would not be permitted. Currently, no open or seasonally open roads exist within the proposed area. No permanent trail construction is proposed, and trips would use existing roads/trails or would hike/ride cross-country. Outfitter camps would not occur on DNRC lands. The attached table summarizes the anticipated effects of the proposed activities on each Threatened or Endangered species, sensitive species, and big game species.

SPECIES/HABITAT	DETERMINATION – BASIS
THREATENED AND ENDANGERED SPECIES	
<b>Canada lynx</b> ( <i>Felis lynx</i> ) Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zones	Suitable lynx habitat is present in some parcels. However, habitat suitability would not change, lynx hunting or trapping is not permitted, and disturbance would be brief. Thus, no direct, indirect, or cumulative effects to Canada lynx would be anticipated.
<b>Grizzly bear</b> ( <i>Ursus arctos</i> ) Habitat: Recovery areas, security from human activity	The parcels proposed for outfitting are located outside of grizzly bear recovery zone and non-recovery occupied habitat ( <i>USFWS 1993, Wittinger 2002</i> ). Grizzly bear sightings in the area are infrequent ( <i>MNHP 2026</i> ). Appreciable use of the proposed area by grizzly bears is unlikely due to a lack of preferred habitat and very low densities of grizzly bears in the surrounding area. Motorized activities would be prohibited, and no new trails or roads would be developed. Bear attractants would not be left accessible and should be managed according to DNRC's HCP standards. Black bear hunting could occur; however hunters would be required to abide by all state and federal wildlife laws, including passing a black and grizzly bear identification test administered by Montana Fish, Wildlife and Parks. Thus, negligible adverse direct, indirect, or cumulative effects to grizzly bears would be anticipated.
<b>Wolverine</b> ( <i>Gulo gulo</i> ) Habitat: Alpine tundra and high-elevation boreal and coniferous forests that maintain deep persistent snow into late spring	Wolverines are not likely to use the Project Area considering the current habitat conditions and relatively low elevation of the SRUL area. Thus, no direct, indirect, or cumulative effects to wolverines would be anticipated.
SENSITIVE SPECIES	



<b>Bald eagles</b> ( <i>Haliaeetus leucocephalus</i> ) Habitat: Late-successional forest less than 1 mile from open water	Use of the widespread SRUL area by bald eagles is possible (MNHP 2026). Short-term, non-motorized activities associated with outfitting in the vicinity of nearby territories would not likely disturb eagles. Thus, negligible adverse direct, indirect, or cumulative effects to bald eagles would be anticipated.
<b>Black-backed woodpeckers</b> ( <i>Picoides arcticus</i> ) Habitat: Mature to old burned or beetle-infested forest	No black-backed woodpecker habitat occurs within the proposed SRUL area. Thus, no direct, indirect, or cumulative effects to black-backed woodpeckers would be anticipated.
<b>Common loons</b> ( <i>Gavia immer</i> ) Habitat: Cold mountain lakes, nest in emergent vegetation	No suitable lake habitat occurs within 500 feet of the proposed SRUL area. Thus, no direct, indirect or cumulative effects to common loons would be anticipated.
<b>Fishers</b> ( <i>Pekania pennanti</i> ) Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	Fisher habitat is present in the broad SRUL area. However, habitat suitability would not change, and disturbance would be brief. Thus, negligible adverse direct, indirect or cumulative effects to fishers would be anticipated.
<b>Flammulated owls</b> ( <i>Otus flammeolus</i> ) Habitat: Late-successional ponderosa pine and Douglas-fir forest	Flammulated owl habitat is present in the broad SRUL area. However, habitat suitability would not change, and disturbance would be brief. Thus, negligible direct, indirect or cumulative effects to flammulated owls would be anticipated.
<b>Peregrine falcons</b> ( <i>Falco peregrinus</i> ) Habitat: Cliff features near open foraging areas and/or wetlands	There are no records of peregrine falcon eyries within the SRUL area or in close enough proximity that disturbance from the proposed activities is possible (MNHP 2026). Thus, no direct, indirect, or cumulative effects to peregrine falcons would be anticipated.
<b>Pileated woodpeckers</b> ( <i>Dryocopus pileatus</i> ) Habitat: Late-successional ponderosa pine and larch-fir forest	Pileated woodpecker habitat is present in the broad SRUL area. However, habitat suitability would not change, and disturbance would be brief. Thus, negligible adverse direct, indirect, or cumulative effects to pileated woodpeckers would be anticipated.
<b>Fringed myotis</b> ( <i>Myotis thysanodes</i> ) Habitat: low elevation ponderosa pine, Douglas-fir and riparian forest with diverse roost sites including outcrops, caves, mines	The SRUL area could contain suitable rocky outcrops or caves that could be used by roosting fringed myotis. Short-term, non-motorized activities such as outfitted hunting would not likely disturb roosting bats. Thus, negligible direct, indirect, or cumulative effects to fringed myotis would be anticipated.
<b>Hoary bat</b> ( <i>Lasiurus cinereus</i> ) Habitat: coniferous and deciduous forests and roost on foliage in trees, under bark, in snags, bridges	The proposed activities would occur within potential hoary bat habitat. The proposed activities would be of short duration and would not create substantial human disturbance beyond what is already occurring. Hoary bats are considered common and widespread throughout Montana, but wind energy and diseases pose threats to their population (Bachen et al 2020). Thus, negligible direct, indirect, or cumulative effects to hoary bats would be anticipated.
<b>Townsend's big-eared bats</b> ( <i>Plecotus townsendii</i> ) Habitat: Caves, caverns, old mines	No suitable caves or mine tunnels are known to occur within the Project Area (MNHP 2026). Thus, no direct, indirect or cumulative effects to Townsend's big-eared bats are anticipated.
BIG GAME SPECES	
<b>Elk</b> ( <i>Cervus canadensis</i> )	The Project Area is considered potential winter range habitat for deer and elk (DFWP 2008). The proposed activities would not impact
<b>Mule Deer</b> ( <i>Odocoileus hemionus</i> )	



<p><b>White-tailed Deer</b> (<i>Odocoileus virginianus</i>)</p>	<p>thermal cover or snow intercept. Direct mortality of deer and elk could occur from hunters. Additionally, temporary disturbance and displacement due to hunting activities would be expected. Appreciable changes to big game populations from this existing use/condition are unlikely. Montana Fish, Wildlife and Parks manages and monitors big game populations in the region; adjustments to hunting opportunity based on population monitoring falls within their responsibility/jurisdiction. Thus, negligible adverse direct, indirect or cumulative effects to big game are anticipated.</p>
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### Conclusion:

The potential for adverse effects to threatened and endangered wildlife species is low. None of the extraordinary circumstances listed under *ARM 31.11.447(2)* affecting wildlife resources would preclude the use of a categorical exclusion for this project.

### List of Mitigations

- Report all sightings of or encounters with threatened or endangered species to DNRC.
- Establishing permanent trails or camps is not permitted.
- Limit motorized use to existing open roads.
- Hunting black bears using hounds is not permitted in the SRUL area per FWP regulations.
- Ensure that all food, garbage, and other attractants are cleaned up and stored in a bear-resistant manner.

### Literature Cited

- DFWP. 2008. Maps of moose, elk, mule deer, and white-tailed deer distribution in Montana. *In* GIS data available online at: <https://gis-mtfwp.opendata.arcgis.com/>.
- MNHP. 2026. Montana Natural Heritage Program. Natural Heritage Map Viewer data. Retrieved on January 15, 2026 from <http://mtnhp.org/MapView/>
- USFWS. 1993. Grizzly bear recovery plan. Report on file at Missoula, MT. 181pp.
- Wittinger, W. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum. Report on file at Unpublished memorandum on file at USDA Forest Service, Region 1, Missoula, MT.

