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Bureau of Land Management**

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Hagenbarth Land Exchange MTM-97761

Beaverhead and Madison Counties, Montana



Hagenbarth land along the Lower Big Hole River

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CHAPTER 1

INTRODUCTION AND NEED FOR THE PROPOSED ACTION

INTRODUCTION

This Environmental Assessment (EA) has been prepared by the Dillon Field Office for the proposed Hagenbarth Land Exchange. The EA is a site-specific analysis of potential impacts (effects) that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the Bureau of Land Management (BLM) in project planning, ensuring compliance with the National Environmental Policy Act (NEPA), and making a determination as to whether or not any “significant” impacts could result from the analyzed actions. “Significant” is defined in 40 Code of Federal Regulations 1508.27. An EA provides evidence for determining whether or not to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). A FONSI is a document that briefly presents the reasons why implementation of the proposed actions would not result in significant environmental impacts beyond those already addressed in the Dillon Resource Management Plan (RMP) and Record of Decision (ROD), dated February 7, 2006. If the decision maker determines that this project has significant impacts following the analysis in the EA, then an EIS would be prepared for the project. A Decision Record may be signed following analysis of the public's comment on the EA.

BACKGROUND

In the spring of 2005, the DFO was approached by James F. and David J. Hagenbarth, hereinafter collectively referred to as “the Hagenbarths” regarding the BLM’s interest in acquiring land along the Lower Big Hole River in exchange for Federal upland range that adjoins their base ranch operation. The non-Federal lands are adjacent to existing public lands which would create a consolidated tract of public land along the Lower Big Hole River where at the present time there is limited public land and access. The exchange would allow the BLM the opportunity to acquire important wetlands and wildlife habitat along the Lower Big Hole River while securing public access for dispersed recreation and hunting opportunities as well as to consolidate land ownership.

Later that summer of 2005, the Hagenbarths requested that the exchange discussions be put on hold for the time being as they were in the process of selling portions of their adjoining Mantle Ranch. The Hagenbarths later met with the DFO on July 28, 2006, requesting to pursue the exchange now that they had sold the Mantle Ranch. The 95.87-acre portion of the Mantle Ranch was withheld from the sale in order to pursue this exchange with the BLM.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The BLM is authorized to complete land exchanges after a determination has been made that the exchange will serve the overall public interest. When considering the public interest, the authorized officer shall give full consideration to: 1) the opportunity to achieve better management of Federal lands; 2) the needs of the state and local residents and their economies; and 3) achieving important resource management objectives including protection of fish and wildlife habitat, riparian habitat, cultural resources, recreational opportunities and watersheds.

The proposed action is needed to implement a land exchange that has been proposed by the Hagenbarths. The lower portion of the Big Hole River has not yet been subjected to the amount of development or user pressure that other rivers have received. However, access to the Big Hole River, other than floating the river, is becoming increasingly limited as traditional ranches are sold to amenity buyers who exclude public access. The Hagenbarths currently allow public foot access to the river from their private lands but there is no guarantee that the Hagenbarths or the owners that follow them would allow that practice to continue. An isolated 40-acre Federal tract is presently positioned between the non-Federal exchange parcels and extends across the Lower Big Hole River. If the BLM acquires the private parcels, the non-Federal lands would provide BLM with a large contiguous block of Federal land that would result in an additional ½ mile river access, more efficient management and increased public access for dispersed recreation and hunting. The Hagenbarth parcels were withheld from the sale of the Mantle Ranch in order to pursue this exchange with the BLM. It is likely that if the exchange does not occur, the parcels would be sold and become available for sought after river frontage recreational homesites. The 40-acre Federal tract would remain isolated, and access by the public could be eliminated.

Acquisition of such land is always contingent on willing landowners and funding available for acquisition. Disposal by sale of the Federal parcels (Category 2 retention lands, with limited adjustment) is not available under section 203 of FLPMA. The Hagenbarths have stated they are not interested in a sale or purchase. Land exchanges provide a tool to the BLM to pursue acquisition of lands appropriate for public ownership when outright funding for acquisition is not available.

Under the Proposed Action, the non-Federal lands would also be withdrawn from location and entry under the general land laws, including the mining law. This withdrawal would provide protection needed for the wetland, riparian, fishery and other recreational values on the property.

CONFORMANCE WITH BLM LAND USE PLAN(S)

This land exchange proposal lies within the area covered by the ROD for the Dillon RMP, and is in conformance with this plan. The Federal and non-Federal exchange lands are in an area categorized in the RMP as a retention area, with limited adjustment. Lands within this category can be exchanged for lands or interest in lands located anywhere

within the State of Montana. The Federal lands are not available for sale under section 203 of the FLPMA, but limited disposal actions may occur based on site-specific application of the land ownership adjustment criteria as depicted on pages 38 and 39 of the RMP. The disposal of the Federal lands would meet the criteria for consideration, given the opportunity to secure important objectives of protection of fish and wildlife habitats, riparian areas, and enhancement of recreation opportunities and public access provided by acquisition of the non-Federal lands. The non-Federal lands would meet the acquisition criteria outlined on Appendix H, page 129 of the RMP.

The proposed exchange is also in conformance with the “Supplement to State Director Guidance for Resource Management Planning in Montana and the Dakotas” for “Land Pattern Review and Adjustment” (1984) and for “Access” (1989). This supplement was published to provide guidance for all major types of land adjustment. The outstanding values on the non-Federal lands and the opportunities for land consolidation and gaining additional access to public land and resources are all criteria given for acquisition purposes in the supplemental guidance. The non-Federal lands proposed for acquisition are located in a retention zone as identified in this Supplement. The BLM lands proposed for conveyance also lie in a retention zone, but under the guidance can be used if conveyance results in significant public benefits.

The Dillon RMP specifically provides for the withdrawal of areas which have values higher than values for mineral production. The character of the wetland, riparian, and fishery values, coupled with the scenic beauty and recreational uses on the parcel, justify a proposed withdrawal of these lands.

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

The disposal of Federal lands and interest in lands in exchange for the acquisition of non-Federal lands and interest in lands is authorized under the authority of Sections 102 and 202 of FLPMA require the Secretary of the Interior to develop land-use plans for all Federal land under the administration of BLM. The RMP conforms to FLPMA, the planning regulations of BLM found in Title 43, Part 1600 of the Code of Federal Regulations, and the regulations of the Council on environmental Quality in Title 40, Part 1500 of the Code of Federal Regulations requiring the preparation of an Environmental Impact Statement (EIS) on significant Federal actions including land use plans in conformance with the National Environmental Policy Act.

Statutory authority for land exchanges is found in Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and the Federal Land Exchange Facilitation Act of August 20, 1988 (FLEFA, 102 Stat. 1087). Implementing regulations are found at Title 43 Code of Federal Regulations (CFR) 2200.

The public lands proposed for conveyance out of Federal ownership in the exchange are located in Beaverhead and Madison Counties. Beaverhead County has a Resource Use Plan dated July 2001 which is included as a component of the Beaverhead County Comprehensive Plan. The Resource Use Plan contains a section which addresses Land

Tenure, Disposition, Acquisition and Use. This section indicates a goal of the plan is to provide for a no net loss of private land, private property rights and interest, or loss of property tax revenue and to the benefit of the residents of Beaverhead County. Madison County's 1999 Comprehensive Plan's Land Use Goals include a component which promotes opportunities for public/private land exchanges which secure high-value recreational resources for public use. In the case of land exchanges which put public lands into private ownership, uses of a privately acquired exchange lands should reflect the prevailing land use in the area immediately surrounding the tract and should not trigger more intensive land use (e.g., residential development in an area of livestock grazing). Any land exchange action resulting in conveyance of public land in Beaverhead and Madison Counties out of Federal ownership would be consistent with the County's Comprehensive Plan provisions.

Two of the Federal parcels were encumbered with withdrawals which had to be partially revoked in order for the parcels to be utilized in a land exchange.

- Parcels 1 and 2 were affected by Power Site Reserve Withdrawals pursuant to Executive Orders dated November 3, 1915 and December 13, 1915. The portion of the withdrawals affecting Parcels 1 and 2 were revoked by Public Land Order 7745, dated July 15, 2010.

As a result of the partial revocations, these Federal parcels are now available for exchange.

The exchange is also consistent and supports the Lower Big Hole River Recreation Area Management Plan (RMA) completed in March 1987. The RMA specifically addresses and proposes the initiation of a land exchange with the Hagenbarths to acquire private land along the Big Hole River, known as the Mantle Ranch (previously discussed in Chapter 1, Purpose and Need for the Proposed Action). The lands acquired would become part of the RMA and managed by the BLM as such ensuring no rural residential development of the property.

Any adjustments to grazing leases, resulting from the transfer of Federal lands, will be completed in conformance with the grazing regulations at 43 CFR 4110.4-2.

Executive Order (EO) 11988 "Floodplain Management", May 24, 1977 (42 F.R. 26951) and EO 11990 "Protection of Wetlands", May 25, 1977 (42 F.R. 26961)

EO's 11988 and 11990 require Federal agencies to minimize adverse impacts from occupying, destroying, or modifying floodplains and wetlands. These EO's also discourage Federal actions that support development within floodplains and wetlands.

According to 43 Code of Federal Regulations (CFR) 2201.3, the Federal and non-Federal parties to an exchange shall comply with the appraisal standards set forth in 43 CFR 2201.3-1 through 2201.3-4 and to the extent appropriate with the Department of Justice "Uniform Appraisal Standards for Federal Land Acquisitions" when appraising the

values of the Federal and non-Federal lands involved in an exchange. A qualified appraiser shall provide to the authorized officer appraisal estimating the market value of Federal and non-Federal properties involved in an exchange.

A fair market value appraisal has been completed for both the Federal and non-Federal land in this exchange by a qualified appraiser. The Federal and non-Federal lands in a land exchange must be of equal value, within 25% of the value of the Federal lands, to complete the exchange. The difference of value may be paid by the proponent or the BLM by way of a cash equalization payment. A cash equalization payment may be paid to either party of an exchange as long as it is within 25% of the Federal land value.

BLM focuses on lands with significant and critical resource values when conducting exchange or acquisition projects. It is the intent of the BLM to retain all acquisitions, whether made via exchange or other form of funding. Consequently, it is in the public's interest for measures to be taken to ensure such lands are retained in Federal ownership and managed for long-term protection of the values they contain. Withdrawal of the Hagenbarth property from operation of the general land laws, including the mining law, is provided for under FLPMA and implementing regulations found at 43 CFR 2300. This action would provide a protective measure to the Hagenbarth property to ensure its retention as public land.

CHAPTER 2

DESCRIPTION OF ALTERNATIVES

The BLM is considering two alternatives in this EA, Alternative 1 (No Action), and Alternative 2 (Proposed Action). Legal descriptions of proposed exchange parcels are presented in Tables 1 and 2 and shown in Maps 1 – 4 on the following pages.

NO ACTION ALTERNATIVE

The No Action Alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action. This alternative would implement no activity at this time, allowing the existing conditions to remain unchanged. No changes in land ownership would occur. The BLM parcels considered for exchange would remain under management by the BLM; the non-Federal lands would probably be sold to private interests. As the lands would not be under Federal ownership, a withdrawal action would not be pursued.

PROPOSED ACTION ALTERNATIVE

The Proposed Action Alternative would convey 99.54 acres of non-Federal land to the BLM in exchange for approximately 403.36 acres of Federal land to the Hagenbarths. Both surface and subsurface estates would be included in the conveyance. There are no water rights to transfer with the properties. The land values would be equalized based on a market value appraisal. If the exchange is consummated, title to the Federal lands and the non-Federal lands would be transferred simultaneously in a single closing through escrow procedures.

Under the exchange proposal, the BLM would acquire 3 parcels in Beaverhead County, Montana consisting of 99.54 acres of non-Federal land, commonly known as the Mantle Ranch (a portion thereof), and are located along the Lower Big Hole River in the vicinity of Sodak Mill. The parcels contain river bottom and some river frontage, providing public recreation and exceptional wetlands, wildlife and riparian habitat especially in the context of consolidation with other Federal land. The property is easily accessible via a BLM road.

In the exchange, the BLM would convey an equal value (not an equal acreage) of public lands to the Hagenbarths. There are 3 parcels of Federal land containing up to 403.36 acres being considered for exchange. Of these Federal lands, there are approximately 375.06 acres in Beaverhead County and 28.3 acres in Madison County. Parcel 1 is an isolated 40-acre parcel with no public or direct physical access, except for floating the Big Hole River which the parcel straddles. Parcels 2 and 3 are located approximately 5 miles southeast of Parcel 1 and approximately 15 miles north of Dillon along U.S. Highway 91. The easterly boundary is the highway centerline except where the highway goes through the very northeast portion of Parcel 2.

Federal rights would be reserved in the patent. Patent would include reservations for Ditches and Canals and a right-of-way for Federal Aid Highway purposes which have been reserved to the Montana Highway Commission, its successors and assigns, by right-of-way MT-GF-0-86494, pursuant to the Act of November 9, 1921 (042 Stat. 0216). Lands with floodplains and wet lands would be conveyed with the appropriate patent restrictions. There are no water rights, mining claims, or oil and gas leases associated with the Federal lands and thus no water rights would transfer. There are no withdrawals present on any of the parcels; Parcel 1 has a Federal land use permit for agricultural purposes which would need to be terminated upon conveyance. The Federal lands would be conveyed subject to existing grazing permits, unless waived by the grazing permittee. Such permitted grazing shall be valid for a period of two years from the date the permittees receive notification of the disposal of the Federal lands. Grazing permits would be adjusted upon closing. However, the Hagenbarth's patent would not be issued subject to this encumbrance, because the patentee and permittee are the same entities.

The parties to the exchange proposal understand that the value of the Federal and non-Federal lands must be equalized, within 25% of the value of the Federal lands, to complete the exchange. In the event that values cannot be equalized, acreage will be reduced or a cash equalization payment not to exceed 25 percent of the value of the Federal lands and/or interests in lands may be used. If cash equalization is used, it would be as small an amount as possible. Appraisals have been completed for both the Federal and non-Federal parcels in this exchange by a qualified appraiser. It is anticipated that this exchange would be consummated with a single, simultaneous closing.

Upon acquisition, the Hagenbarth property would be managed foremost to protect wildlife and fishery values, wetland and riparian areas, access, and to preserve recreational opportunities, and the scenic values inherent in this landscape. The Hagenbarths have stated that their objective in the exchange is to enhance their grazing operation utilizing the Federal land (as well as their adjacent private land) in their livestock grazing operation. If exchanged, the Federal land would be used in the pasture rotation with the Hagenbarths' private lands, much as they are today.

Once the exchange has been completed, the Hagenbarths are considering a possible "trade" with an adjacent land owner pertaining to the east half of Parcel 1 for similar acres of private land adjoining the north and south ends of the west half of Parcel 1. The proposed trade would block up land ownership while facilitating best management objectives for each party. The appraised values used in the exchange would more than likely be used in a subsequent conveyance. The Hagenbarths stated that there is no formal agreement in place and only verbal discussions have so far taken place.

Under the Proposed Action Alternative, the Hagenbarth property would be withdrawn from operation of the public land laws, including the mining law, to ensure long-term retention of the property as well as appropriate management of the important values it contains.

Interim Management under the Proposed Action Alternative

Upon acquisition, the non-Federal lands would be managed foremost to protect fishery values, wetland and riparian areas, and to preserve recreational opportunities and the scenic values inherent in this landscape as outlined under the existing management prescriptions laid out in the Lower Big Hole River RMA. The RMA supports a variety of land uses, including recreation (fishing, dispersed camping, hiking, hunting, etc), scenery and aesthetics, wildlife, and fisheries. No additional recreation infrastructure is required or desired for the non-Federal lands. Limited signing may be needed to inform the public of uses appropriate to protect and maintain the resource values on the property.

The property is currently accessed by a BLM administered road that receives limited maintenance. This is a public access route that will continue to be used and maintained to the existing minimal standard only, if maintenance is warranted.

The river bottom is in good condition, having been partially fenced from livestock grazing. Grazing would not be authorized unless later needed to achieve a resource objective such as noxious weed control. The old perimeter fence along the south side of Parcel C will be replaced, by BLM, with a four-strand, barbed-wire fence constructed to wildlife specifications, as per BLM Handbook H-1741-1, consisting of a smooth bottom wire, and wire spacing of 16", 22", 28" and 40" from the ground.

Weed management would be coordinated through the DFO and Beaverhead County.

These lands are also proposed to be withdrawn from sale, settlement, location or entry under the general land laws, including the mining laws, mineral and geothermal leasing laws to protect scenic, recreation, water quality and wildlife habitat values of the acquired lands. Consequences of this action are addressed below under the Affected Environment and Environmental Consequences section.

Alternatives Eliminated From Further Detailed Study

Sale/Purchase versus Exchange: Under this alternative, the BLM must have a "willing seller." The Hagenbarths have stated they are not interested in a sale or purchase. This alternative would also require BLM to secure funding to purchase the land. This is not feasible since funding is not readily available nor could it be obtained through the budget process to timely meet the needs of the private landowners. In addition, the Federal parcels have been categorized as Category 2 (retention lands with limited adjustment) in the RMP. Lands within this category are not available for sale, but can be exchanged for lands or interests in lands anywhere within the State of Montana. To sell these parcels, the DFO would have to complete a plan amendment. Based on this fact and in this instance, the DFO Manager has determined that a land exchange is the only alternative to be considered.

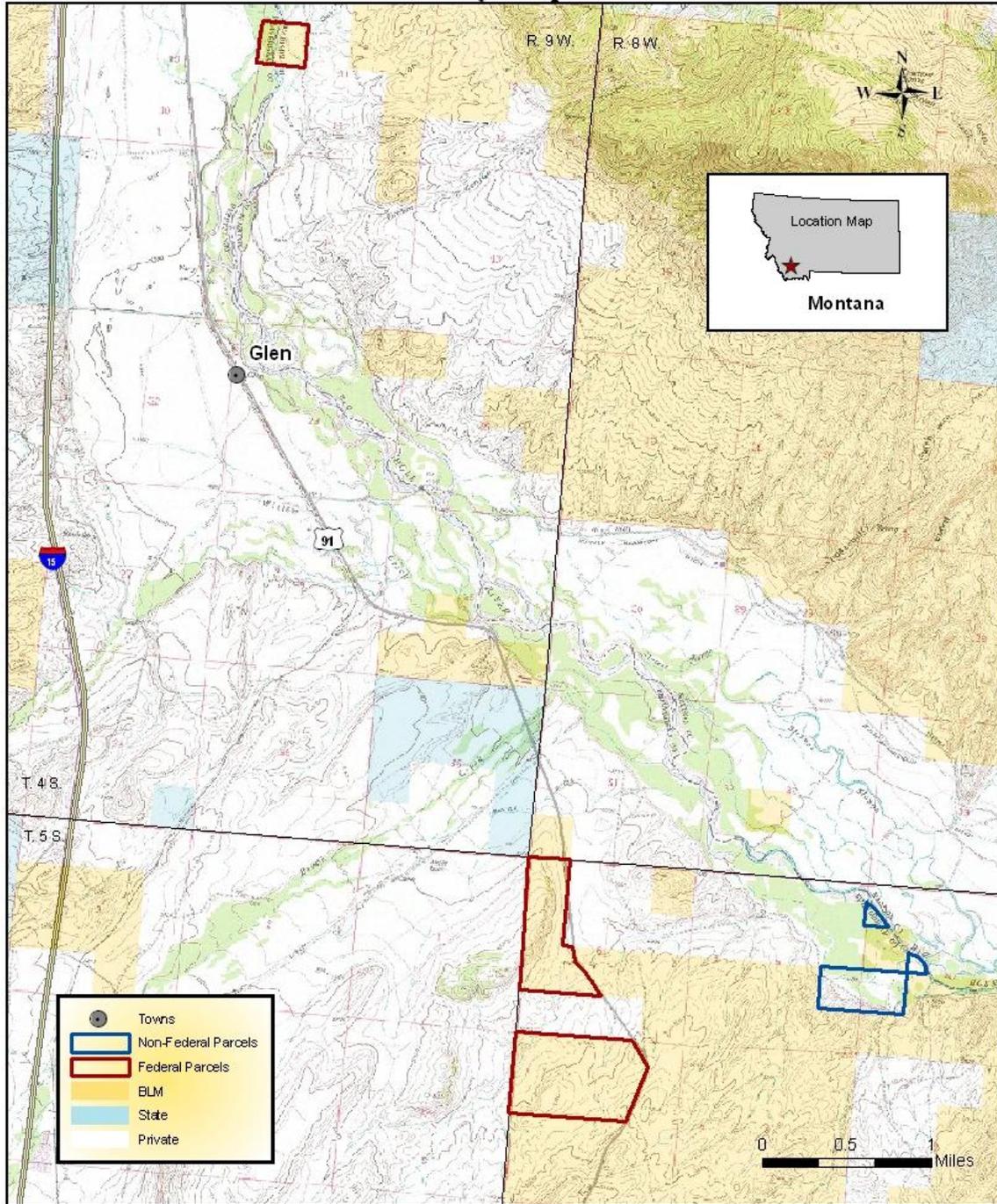
Table 1. Description of Non-Federal Lands

Parcel Description	Acreage
Non-Federal Parcel A	8.75
Parcel 2B of Certificate of Survey 1601BA, filed for record in the Clerk and Recorder's Office of Beaverhead County, Montana on March 3 rd , 2010 at 9:45 A.M., Document 271947 and in Madison County, Montana on March 10, 2010 at 1:00 P.M., Document Number 135133 and being a parcel of land comprising that part of Lot 4 which lies south and west of the thread of the Big Hole River, Section 4, Township 5 South, Range 8 West, Principal Meridian, Montana and Book 7 of Surveys, Page 2122-Ba.	
Non-Federal Parcel B	8.47
Parcel 3A of Certificate of survey 1601BA, filed for record in the Clerk and Recorder's Office of Beaverhead County, Montana on March 3, 2010 at 9:45 A.M., document Number 271947 and in Madison County, Montana on March 10, 2010 at 1:00 P.M., document Number 135133, and being a parcel of land comprising that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ which lies south and west of the thread of the Big Hole River, Section 4, Township 5 South, Range 8 West, Principal Meridian Montana. Book 7 of Surveys, Page 2122-BA.	
Non-Federal Parcel C	82.32
Amended Certificate of Survey 1371BR, filed for record in the Clerk and Recorder's Office of Beaverhead County, Montana on January 13, 2006 at 3:15 P.M., Document 258735, and being a parcel of land located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 5 South, Range 8 West and the West $\frac{1}{2}$ of Section 4, Township 5 South, Range 8 West P.M.M., County of Beaverhead, State of Montana, and more completely described as follows: The NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T.5S., R.8W., P.M.M., ALSO the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.5S., R.8W., P.M.M., previously a portion of Remainder Parcel 2, COS 621. Deed Reference: Book 204, Page 133 on file in the Beaverhead County Clerk and Recorder's Office.	
Total Acres 99.54 acres	

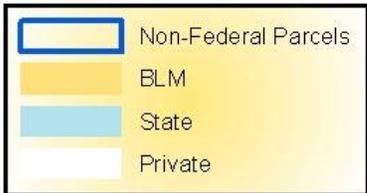
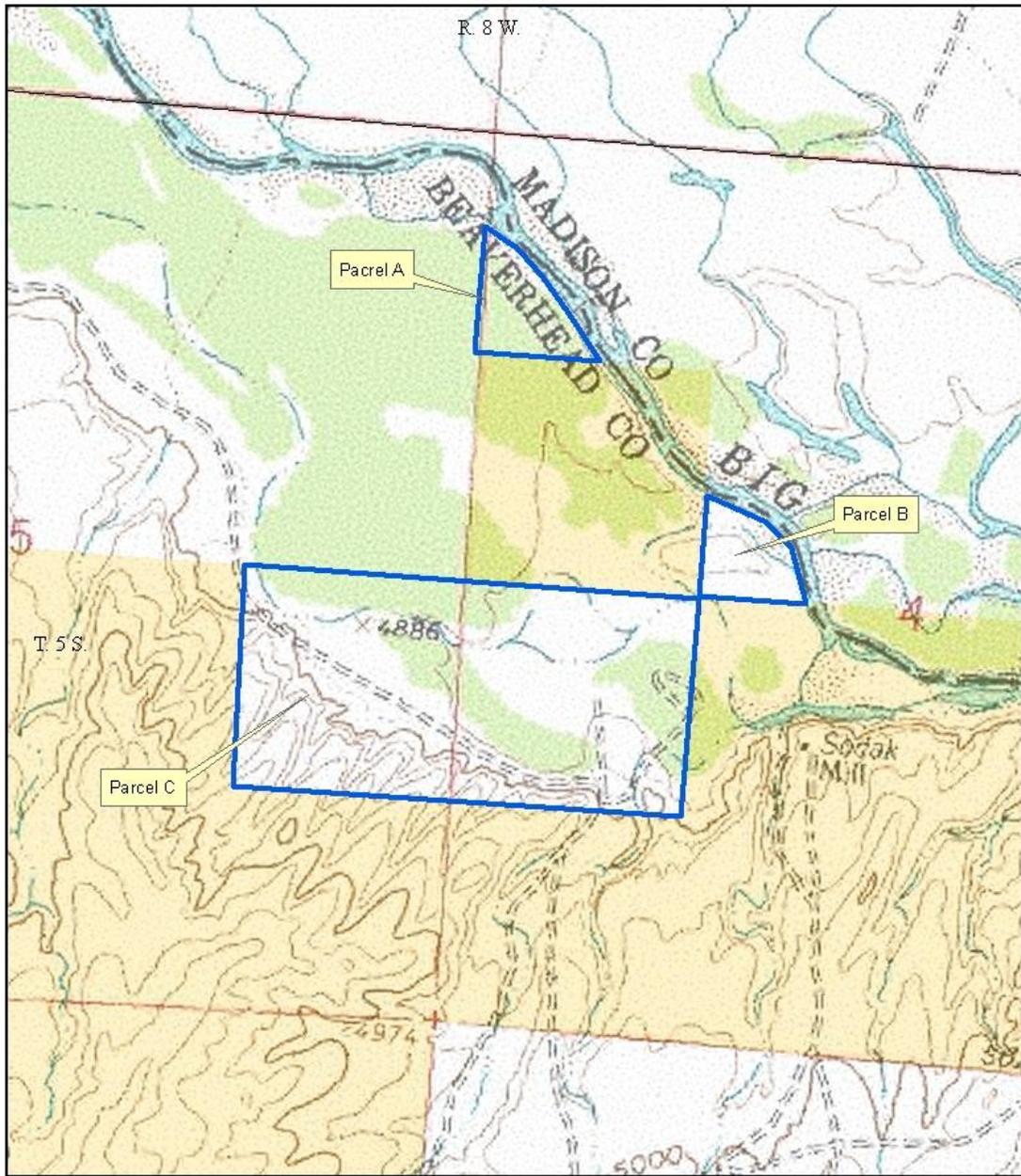
Table 2. Description of Federal Lands

Parcel Description	Acreage
Federal Parcel 1	40
Township 4 South, Range 9 West, P.M.M., Beaverhead & Madison Counties, MT Section 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$	
Federal Parcel 2	127.29
Township 5 South, Range 8 West, P.M.M., Beaverhead County, MT Section 6: Lots 4, 5, 6, and 8	
Federal Parcel 3	236.07
Township 5 South, Range 8 West, P.M.M., Beaverhead County, MT Section 7: Lots 1, 2, 6, 8, 9, 11, E $\frac{1}{2}$ NW $\frac{1}{4}$	
Total Acres 403.36 acres	

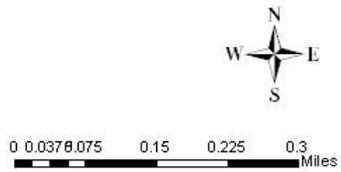
Proposed Hagenbarth Land Exchange Vicinity Map



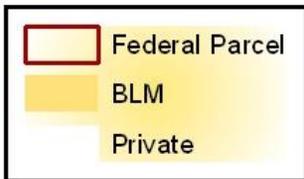
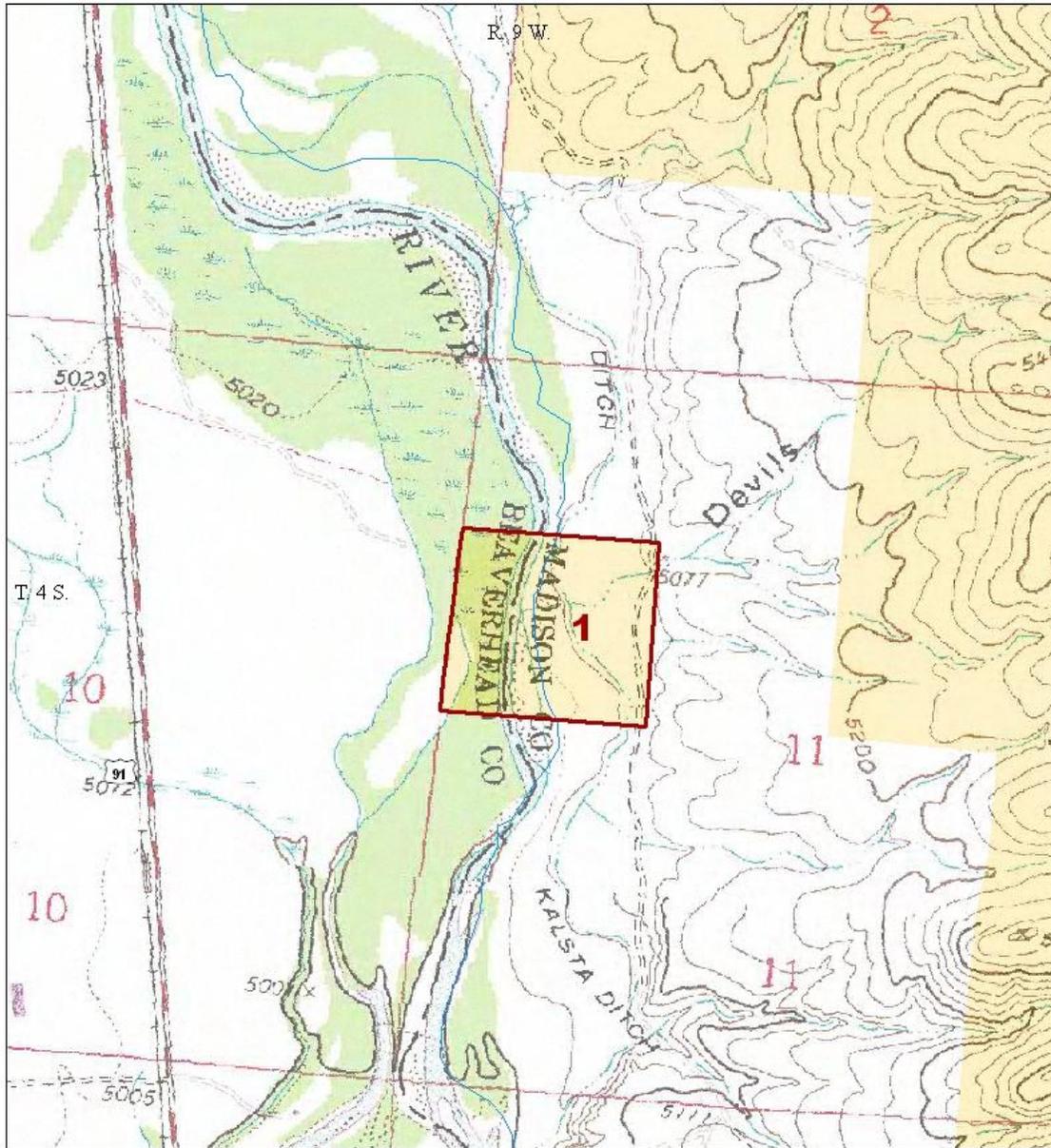
Map 1. Vicinity Map of Federal and Non-Federal Lands



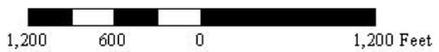
Map 2
Proposed
Hagenbarth Land Exchange
Non-Federal Land



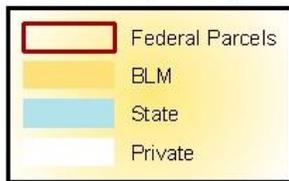
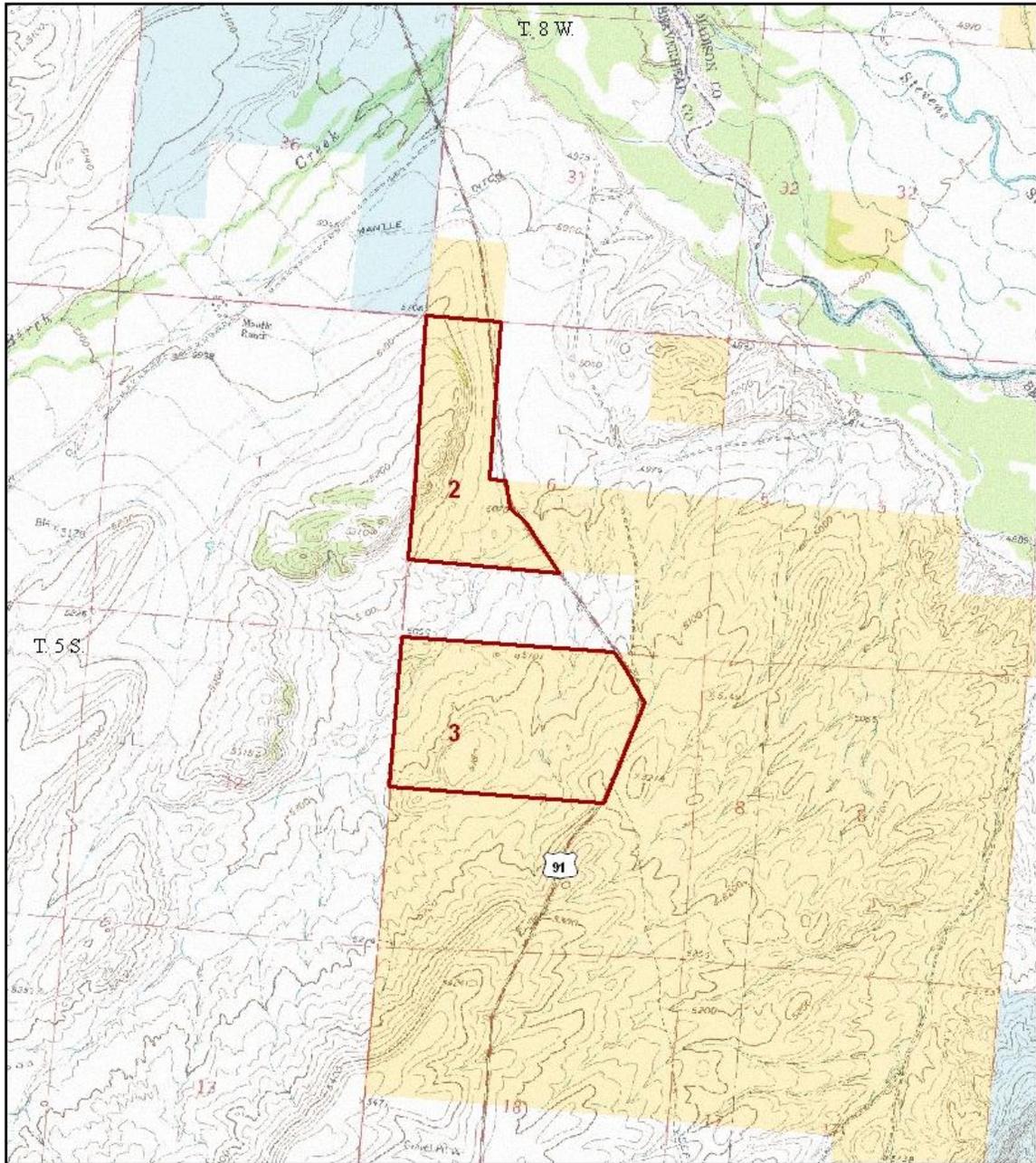
Map 2. Non-Federal Parcels A, B, C



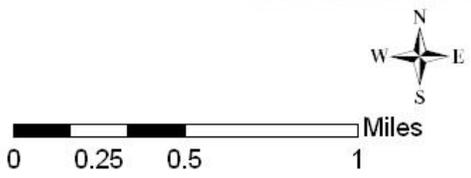
Map 3
 Proposed
 Hagenbarth Land Exchange
 Federal Parcel 1



Map 3. Federal Parcel 1



Map 4
Proposed
Hagenbarth Land Exchange
Federal Parcels 2 & 3



Map 4. Federal Parcels 2 and 3

CHAPTER 3

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

General Parcel Descriptions

Non-Federal Land

The non-Federal lands are located about 5 miles southeast of Glen, and 13 miles north of Dillon, Montana in the general vicinity of the Sodak Mill site. The lands can be accessed from the west through gently rolling hills via unpaved BLM-administered road traveling east from State Highway 91 North.

The topography in the general vicinity of the non-Federal land varies from low lying wet meadows associated with the Lower Big Hole River on the north, to steep inaccessible slopes of the Hogback. The elevation of this area ranges from 4850 to 5350 feet, and precipitation ranges up to 9 inches. In 2004, the BLM re-established motorized access to the Sodak Mill site. The lands provide magnificent scenic beauty to its visitors visible from the heights of the property coupled with a great diversity of wildlife.

Parcels A and B

Parcels A and B are very similar in size and shape containing roughly 8 acres each and are positioned adjacent to the Lower Big Hole River. The isolated triangle-shaped parcels are noncontiguous with an isolated 40-acre BLM tract situated between the parcels. The parcels are relatively flat wet bottomlands and floodplains with channelized waters interspersed throughout and have an abundance of riverine vegetation to include aspen, willow, cottonwood, woody shrubs, forbs, grasses, and grasslike plants fairly typical of high elevation riparian areas in southwest Montana. Brown and rainbow trout populations are mostly commonly found within this stretch of the river.

Parcel C

Parcel C is a rectangular shaped parcel containing 82.32 acres and lies just south and west of Parcels A and B with the Sodak Mill site in close proximity to the east. The parcel is bounded by BLM land on the west, south, east, and ½ of the north sides. A large tract of private land commonly known as the Mantle Ranch, which the Hagenbarths recently sold, exist on the other north ½ extending west along the river. The terrain varies from flat wet bottomlands and floodplains commonly conveying floodwaters through braided channels to a gradual elevated upland and terraced bench overlooking the river. Wildlife on the parcels consists primarily of deer, and numerous non-game wildlife species, including migratory bird species.

Federal Land

The Federal lands being considered for exchange consist of 3 parcels comprising approximately 403.36 acres primarily used for grazing.

Parcel 1

Parcel 1 is located approximately 2 miles north of Glen, Montana. The 40-acre isolated parcel is bisected by the Lower Big Hole River which is the county line boundary between Beaverhead and Madison Counties. The west half of Parcel 1 is in Beaverhead County and east half is in Madison County. The parcel is surrounded by private land on all four sides and has no public or direct physical access, except for floating the Lower Big Hole River. The parcel is relatively flat along the wet bottomlands adjacent to the river except for the hayfield and uplands on the east side. The wet bottomlands have an abundance of riverine vegetation to include aspen, willow, cottonwood, woody shrubs, forbs, grasses, and grasslike plants fairly typical of high elevation riparian areas in southwest Montana.

Brown and rainbow trout populations are most commonly found within this stretch of the river. Wildlife on the parcel consists primarily of deer and numerous non-game wildlife species, including migratory bird species.

Parcels 2 and 3

Parcels 2 and 3 are located in Beaverhead County along State Highway 91 approximately 13 miles north of Dillon, Montana and can be described as a narrow strip of rolling upland range with low growing grasses, cactus, and sagebrush cover. The easterly boundary for Parcels 2 and 3 is the highway centerline except where the highway goes through the very northeast portion of Parcel 2. The public's use of these parcels tends to be limited due to their location and rough terrain to include a large rock-out crop. Wildlife values present are minimal because they are located in low elevation, dry habitats with primarily antelope and deer use.

General Environmental Consequences

For ease in reference, the affected environment and environmental consequences are presented together by resource value or concern. A brief description of the resource or value is followed by the anticipated consequences of the Proposed Action Alternative, as well as the consequences of withdrawal of the Hagenbarth lands from entry under the public land and mining laws.

The following critical elements of the human environment will not be affected by this action or alternatives and are not addressed further:

- Air Quality

- Areas of Critical Environmental Concern
- Environmental Justice (Minority or Low-Income Populations)
- Prime and Unique Farmlands
- Threatened or Endangered Species
- Waste, Hazardous or Solid
- Water Quality
- Wild and Scenic Rivers
- Wilderness

Remaining critical elements of Cultural/Paleo Resources, Native American Religious Concerns, Floodplains, Wetland/Riparian Areas are addressed below along with other resource values and concerns.

In general, implementation of the Proposed Action Alternative would result in the acquisition of non-Federal lands which have outstanding resource and recreation value. Land presently in Federal ownership would be transferred out of the public domain via exchange as a result of the Proposed Action Alternative. Since one of the Federal parcels considered in the exchange is isolated without public access, the transfer would remove the isolated parcel from BLM's land ownership pattern and thereby allow for more efficient management in most instances. In addition, most of the Federal acres exhibit lower resource values than those present on the non-Federal lands proposed for acquisition.

Wildlife & Fisheries, Including Special Status Species

Non-Federal Lands

A wide variety of wildlife species and habitats exist on the non-Federal lands. Big game species include mule deer, white-tailed deer, moose, pronghorn antelope and seasonal elk use. Numerous non-game wildlife species including migratory bird species inhabit the area with mallard as one of the primary waterfowl species. Canada goose nesting occurs on several of the larger gravel bars. Otter, mink, muskrat, beaver, skunk, raccoon, and red fox are the principal furbearer species found along the river corridor. Coyotes and bobcats also occur in adjacent upland areas and hunt along the river corridor.

The Bald and golden eagles and the peregrine falcon, occur or historically occurred along the river. Bald and golden eagles use the area all year long. Other BLM sensitive species that occur in or along the river include but are not limited to the long billed curlew, ferruginous hawk and Brewer's sparrow.

Riparian and wetland areas are interspersed throughout the property and provide habitat to numerous birds and small mammals. The Lower Big Hole River and associated channels provide an edge effect and variations in vegetation, important elements in wildlife habitat.

Fluvial arctic grayling and westslope cutthroat trout are generally not found in this reach of the Lower Big Hole River, but may occur as rare transients.

Field visits by BLM personnel did not result in documentation of any Special Status plant Species. The land in the vicinity of the non-federal land that BLM would be acquiring is relatively low probability habitat for plants on the current sensitive species list. No impacts to sensitive plants or their habitat are anticipated.

Acquisition of the 99.54 acres would consolidate the BLM administered land along the river ensuring an additional ½ mile of stream to enhance management of the wildlife resources. The BLM would gain exceptional wetlands, wildlife and riparian habitat on the Lower Big Hole River which is important to numerous wildlife species, especially migratory birds and other game and non-game species. BLM management would ensure that the habitats for existing wildlife species would remain unaltered/unfragmented and provide optimal habitat conditions for all wildlife species and therefore the effects would be expected to be beneficial with BLM management of the acquired lands.

The environmental consequences associated with the No Action Alternative would be identical to those already occurring in the area. However, wildlife could be negatively impacted if development were to occur for recreational homesites on the non-Federal lands.

Withdrawal of the property would be beneficial to wildlife and fisheries as well as special status species in general, ensuring retention of the land over the long-term and lessening the opportunity for development incompatible with important habitat values.

Federal Land

Parcel 1

A wide variety of wildlife species and habitats exist on Federal Parcel 1. Mule deer, white-tailed deer, moose, elk, pronghorn antelope, and numerous non-game wildlife species, including migratory bird species, inhabit the area with mallard as one of the primary species. Goose nesting occurs on several of the larger gravel bars. Otter, mink, muskrat, beaver, skunk, raccoon, and red fox are the principal furbearer species found along the river corridor. Coyotes, bobcats, and marten occur in adjacent upland areas. The big game species, primarily mule deer and pronghorn antelope, utilize the area yearlong and no known crucial winter ranges are known to exist. The bald and golden eagle and the peregrine falcon, occur or historically occurred along the river. Bald and golden eagles use the area all year long. Other BLM sensitive species that occur in or along the river include but are not limited to the long billed curlew, ferruginous hawk and Brewer's sparrow.

Parcel 1 straddles the Lower Big Hole River with approximately ½ mile of river access (¼ mile on each side of the river). Fisheries habitat value is moderate on the main

channel of the Lower Big Hole River with primarily a long shallow run with no significant habitat diversity. Fish species commonly found in this reach consist of brown and rainbow trout, mountain whitefish, brook, burbot mountain, white and longnose sucker, mottled sculpin, long nose dace. Fluvial arctic grayling, and westslope cutthroat trout are generally not found in this reach of the Big Hole River, but may occur as rare transients.

Field visits by BLM personnel did not result in documentation of any Special Status plant Species. The land in the vicinity of the federal land is relatively low probability habitat for plants on the current sensitive species list. No impacts to sensitive plants or their habitat are anticipated.

Parcels 2 and 3

Seasonal habitat for mule deer and pronghorn antelope is present on most of the BLM parcels. These parcels consist of upland habitat and are part of much larger habitat use areas. Wildlife numbers are not dependent on any individual parcel for survival. While winter mule deer and pronghorn antelope use occurs, all parcels of BLM land are considered to have only low to moderate value for wildlife.

Sagebrush habitat is present on Parcels 2 & 3 of public land proposed for exchange, but neither is known to provide preferred seasonal habitat for sage grouse.

The proposed exchange of up to approximately 403.36 acres of Federal land for the 99.54 acres of non-Federal land could result in a potential net loss of 303.82 acres of general wildlife habitat under BLM management and protection. This loss of habitat is not expected to cause adverse impacts to wildlife, fisheries, and plant species, populations, or habitat since land use is not expected to change once the exchange is completed. The Record of Decision for Montana/Dakota Standards for Rangeland Health and Guidelines for Livestock Grazing Management includes standards for wildlife habitat and riparian health conditions. Since the allotments are meeting the “standards” and current land use is not expected to change, the lands should maintain the wildlife habitat and riparian standards in the future.

If management does change on any of the BLM parcels in such a way as to alter vegetation communities or intensity of human disturbance, some species of wildlife may be displaced into adjoining habitat. This impact would be minor since the Federal parcels have suitable adjoining habitat and none of the proposed exchange lands provide critical habitat for any wildlife species. However, the cumulative effects of this potential habitat loss coupled with loss of habitats from other private activities could result in reduction or displacement of wintering big game or migratory bird nesting populations. This would be dependent upon the nature and concentration of any development.

Recreation

Non-Federal Lands

The public lands along the Lower Big Hole River are an attraction for hunters and fishermen. Boy Scouts and other groups and individuals use the area for camping and fishing. The area also receives some off-highway vehicle use, both on the roads and off. Off-road vehicle use is illegal on most public lands in Montana since a June, 2003 decision limiting vehicle use to existing roads.

The public has been allowed to utilize the non-Federal land for fishing and recreational purposes for many years under a limited landowner consent program. The public gains access to the property via a BLM road. Sport fishing in the river is a very popular recreational activity associated with the property. The beautiful scenery on the tract as well as the surrounding area provides a magnificent backdrop for hiking and picnicking. The property is located within the Lower Big Hole River SRMA and this acquisition would be important to protect the integrity of that SRMA. Plans for recreation management include potential development of access points and designated vehicle parking.

The environmental consequences associated with the No Action Alternative would be the same to those already occurring in the area. If the property is not acquired, recreation opportunities could be negatively impacted if development were to occur for recreational homesites and although the Hagenbarths allow the public to currently use the private lands, there is no guarantee that they will continue to do so in the future. If acquired by BLM, a positive impact to recreation would occur due to additional recreational opportunities for the public. Recreation use is anticipated to increase to an extent, but the increase is not expected to be significant in light of the past uses such as fishing and hunting, that has occurred under prior consent. Additional uses such as camping could lead to impacts such as soil compaction, vegetation disturbance; weed infestations, litter, and chance of wildfire disbursement.

Withdrawal of the property would be beneficial to recreation values in general, ensuring retention of the land over the long-term and lessening the opportunity for development incompatible with important recreation and scenic values.

Federal Lands

BLM Parcel 1 is surrounded by private land on all four sides and has no public or direct physical access, except for floating the Lower Big Hole River. The Hagenbarths currently allow public foot access to the river from their adjoining private lands on the west side of the river and have indicated access would be maintained, at least in the short term, once patented.

The remaining two Federal parcels can be accessed from State Highway 91 which lies adjacent to the parcels however, the public's use of these parcels tends to be limited due

to their location, rough terrain, and there are no designated motorized routes over or through these parcels therefore the only form of access is by foot or horseback.

Due to the lack of legal public road access to most of the BLM parcels and the rough terrain, recreational value of the BLM lands in this exchange is limited. While it is likely some of the BLM lands are used for hiking, hunting and other activities, this use is difficult where property boundaries are not necessarily defined. As a result, there is expected to be very little overall impact to recreation if the BLM parcels are conveyed out of Federal ownership.

Cultural/Paleontological Resources and Native American Religious Concerns

As required by Section 106 of the National Historic Preservation Act, a Class III cultural inventory was completed by the BLM in May 2008 for the Federal lands as well as the Non-Federal parcels with no sites found.

A Paleontological Inventory was completed for BLM Parcels 2 and 3 in April 2009. The final report stated the paleontological value is not significant to preclude the proposed land exchange.

Cultural resource inventories have been completed (May 2008) for all proposed exchange lands. No significant cultural resources are located within the parcels that would encumber exchange of the parcels.

To date, traditional cultural properties or traditional life-way values of special concern to Native American Groups have not been specifically identified within the area. Ongoing consultations occur with representatives of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, and the Shoshone-Bannock Tribes of the Fort Hall Reservation. The Tribes were sent certified copies of the Notice of Exchange Proposal. One phone call was received from the Blackfeet Nation Tribal Preservation Office regarding the notice, and wanted our records to note that effigies and stone circles are known to be in the area, but was not specific to the proposed exchange parcels.

There are no cultural or paleo resources on the Federal or non-Federal lands, so there would be no effect under the Proposed Action Alternative.

Withdrawal of the property would be beneficial to the management of unknown cultural resource values, ensuring retention and lessening the opportunity for incompatible development.

Floodplains, Wetlands, and Riparian Areas

Non-Federal Lands

There is approximately 110 acres of riparian and wetland habitats associated with the non-Federal exchange lands coupled with the adjoining Federal land. The Big Hole River borders two of the non-Federal parcels (A and B) with a 40-acre BLM isolated tract positioned between them as well as the remaining non-Federal parcel (C) adjoining to the south of the BLM tract. The river leaves its banks at relatively common flow events and spills out onto the adjacent flat floodplain, commonly conveying floodwaters through historic channels. This natural process occurs as a stable stream channel migrates back and forth across its floodplain. Floodwater inundation, bank line migration, and channel avulsion processes all present some level of risk to property within many areas of the Big Hole River corridor. The non-Federal parcels, or portions of them, are situated within the 100-year floodplain of the Big Hole River per NRCS Soil Mapping Data but do not require deed restrictions, however, if the lands are acquired, all future actions would comply with the provisions of EO's 11988 and 11990.

The stream channels support varying riparian, wetland and aquatic wildlife communities important in the region. The potential for high quality habitats exists on the non-Federal parcels since they are considered perennial streams and have water available to riparian species throughout the growing season.

The acquisition of the non-Federal lands under any of the action alternatives will place considerable wetland and riparian resources in the public sector and would assure that commercial development for subdivision or recreational homesites will not occur and this will be beneficial for hydrologic resources in general. Proposed management would limit development by BLM to retain the scenic characteristics of the property, thus benefitting the preservation of hydrologic resources.

Withdrawal of the non-Federal land from operation of the public land laws and mining law would ensure retention of significant water resources on the parcels and lessen the potential for inappropriate mineral exploration or development and insure the longterm integrity of the water resources. This is especially critical given that acquisition of the wetland and riparian areas and associated fishery values is a driving force in all the action alternatives.

Federal Lands

There are approximately 15 acres of riparian and wetland habitats associated with the Federal lands. This riparian habitat consists of approximately one-quarter mile along the Big Hole River on Parcel 1. There are no riparian and wetland habitats associated with the remaining Federal parcels (2 and 3).

Similar to the non-Federal lands, the river leaves its banks at relatively common flow events and spills out onto the adjacent flat floodplain. Floodwater inundation, bank line

migration, and channel avulsion processes all present some level of risk to property within many areas of the Big Hole River corridor. These indicators show that at a 100-year flow event, the majority of river flow is out of bank and accessing floodplain area.

The bottomlands associated with Parcel 1 supports varying riparian, wetland and aquatic wildlife communities important in the region. Approximately 15 acres of riparian habitat associated with the Federal land would be disposed of, but approximately 70 acres of riparian and wetland habitats would be acquired for a net gain of 55 acres of riparian/wetland habitat coming under Federal ownership/management. Parcel 1 is difficult to manage due to the fact that it is surrounded by deeded lands and its small size and minimal portion to the entire river segment. The conveyance of this Federal parcel is not expected to cause adverse impacts to this resource since land use is not expected to change once the exchange is completed. The parcel or portions thereof, is situated within the 100-year floodplain of the Big Hole River per NRCS Soil Mapping Data and would be conveyed with the appropriate patent restrictions, if necessary.

Geology and Minerals

A Mineral Potential Report was completed in October 2008 for the exchange parcels to determine the presence and/or potential of minerals. The lands were rated for their mineral potential according to the BLM rating system (BLM Handbook, 1985). The Federal and non-Federal exchange parcels have had no observable mineral development and have low potential for future mineral development. Oil and Gas Development potential is considered to be low and no solid leasable mineralization is known to exist. Federal Parcels 2 and 3 do have some potential for salable mineral material (yard rocks or landscaping boulders), however, the value of the material is not considered to be any higher than abundant similar material that exists adjacent to the Federal parcels. There is low potential for other salable materials as the Tertiary rocks and colluvium present on the parcels are not particularly well suited for construction purposes and they are plentiful throughout the area.

The low potential for mineral resources is outweighed by the benefits of the proposed exchange. In conclusion this area has almost no potential for economic mineral development.

The exchange of Federal lands proposed would have little to no impact to fluid and solid minerals resources, as there is low to no potential for leasable, saleable and locatable minerals on the acquired lands. Low potential for mineral resources is outweighed by the benefits of the proposed exchange. The Mineral Potential Report recommended that the parcels be exchanged and the mineral estate not be reserved to the Federal government.

Implementation of the No Action alternative would maintain the status quo. While mineral exploration and development could occur, it is unlikely based on lack of past interest. Implementation of the proposed action alternative would result in the proposed withdrawal of the non-Federal lands from operation of the public land laws, including the mining law.

Solid or Hazardous Wastes

An Environmental Site Assessment (ESA) was conducted on both the Federal and non-Federal lands; the reports prepared in August 2010 indicated that there was no evidence of potential recognized environmental conditions, as defined in the American Standard for Testing and Materials (ASTM) standard on either the Federal or non-Federal lands.

The ESA indicates there are no Recognized Environmental Conditions which would bar acquisition of the non-Federal land or conveyance of the Federal land and that no further inquiry is needed. The Federal government would not be receiving or transferring any hazardous wastes to private ownership in this land exchange. There are no hazardous wastes, so there would be no effect under the No action Alternative.

Withdrawal of the property would be beneficial to the management of acquired lands with no hazardous wastes, ensuring retention and lessening the opportunity for incompatible development.

Access

Non-Federal Land

The property is currently accessed by a BLM administered road traveling east from State Highway 91 North that receives limited maintenance. This is a public access route that will continue to be used and maintained to the existing minimal standard only, if maintenance is warranted.

It is probable that recreational opportunities, including walk-in access to the Lower Big Hole River, will be lost should the property remain in private ownership as a result of the No Action alternative. The acquisition of the non-Federal land insures continued public use for fishermen, floaters, hunters, and general recreational use. The acquisition of the private property will block and consolidate BLM lands in the vicinity.

Withdrawal of the land from the public land laws and mining law will not affect access to the property for the uses which have occurred in the past or future. Withdrawal from the public land laws will ensure that conveyance of the non-Federal lands out of Federal ownership would not be an option unless the withdrawal were revoked, thus protecting the long-term intent of management of the tract for the significant riparian and wetland values.

Federal Land

Parcel 1 is surrounded by private land on all four sides and has no public or direct physical access, except for floating the Lower Big Hole River.

The Hagenbarths currently allow public foot access to the river from their private lands but there is no guarantee that the Hagenbarths or the owners that follow them would allow that practice to continue.

Parcels 2 and 3

Parcels 2 and 3 have highway frontage roads adjacent and through them and provides year round public access but is limited due to terrain. Even though these parcels have legal access, it is difficult in most cases to legally access those parcels due to terrain, and/or lack of identifiable on-the-ground property lines.

Implementation of the Proposed Action or the No Action alternative would result in minimal changes in access to public land.

Vegetation and Weeds

Non-Federal Land

There are about 70 acres of wetland and riparian area associated with the non-Federal lands with the remaining plus or minus 29.54 acres having native uplands. There is wet meadow/channel areas interspersed throughout the property between the riparian and wetland areas. The riverine vegetation is a composite of native trees such as aspen, willow and cottonwood, woody shrubs, forbs, grasses and grasslike plants along the Lower Big Hole River Corridor. The adjoining upland terraced bench contains a mixture of cool season grasses and sagebrush. Isolated pockets of knapweed and thistle occur along the southeast corner of Parcel C where it joins BLM land, by which the public accesses.

Acquisition of the property would protect vegetative resources from development that could occur as a result of recreational homesite use. Administration of the property by the BLM will also require additional resources to ensure weed control across the property in the event of infestations. If the property were not acquired by exchange, vegetative resources would either remain static, or could decline, if surface disturbance or development resulted in removal of vegetation.

Withdrawal of the property from operation of the public land laws, including the mining law, would protect vegetative resources by lessening the possibility of mineral exploration and development on the land.

Federal Land

There are approximately 373.36 acres of rangeland having a native upland plant community, 11 acres of irrigated grass hayland, and the remaining 19 acres of wetland and riparian area. The upland community consists mainly of low growing grasses, cactus, and sagebrush communities. Hardwoods existing on a portion of the Federal lands

include cottonwood and aspen. Differences in dominant species vary with soil type, aspect and topography.

If all of the identified lands are exchanged there would be a net loss of approximately 303.82 acres of land under Federal ownership/management. No adverse impacts to the vegetative resources are expected to occur with conveyance of the Federal land parcels since land use is not expected to change. Approximately 384 acres of Federal land, which have a native upland plant community consisting mainly of grasses, shrubs, and cactus, would leave Federal ownership/management; approximately 11 acres of these lands also contain irrigated hay land. Approximately 29 acres of non-Federal lands, which also have a native upland type of plant community consisting of grasses and shrubs and the remaining 70.54 acres of riverine vegetation, for a total of 99.54 acres, would come into Federal ownership/management; which with the current approximate 3,580 Federal acres would block up about 3,680 acres for enhanced management of resources.

Grazing Management

Non-Federal Lands

Under the Proposed Action Alternative, grazing would not be authorized on any of the acquired lands. The No Action alternative would maintain the status quo. Withdrawal of the property from the public land laws, including the mining law, will not have any effect on future management included in BLM's RMA Management Plan.

Federal Lands

Parcel 1

The east half of the parcel is primarily an open upland bench with approximately 7 acres being utilized under a Federal land use permit for agricultural purposes (hay). The hay permit would be cancelled upon conveyance. The parcel is included in the Dancehall Custodial (#30659) Grazing Allotment but no AUMS are attached to the parcel, so the exchange will not result in a reduction of AUMs.

Exchanging Parcel 1 out of Federal ownership under the Proposed Action would eliminate a portion of a custodial grazing allotment. This would improve efficiency in regard to grazing allotment administration. Implementation of the No Action would not result in any management efficiencies.

Parcels 2 and 3

Federal Parcels 2 and 3 are currently within the boundaries of the Hogback (#20486) Grazing Allotment for which the Hagenbarths are the permittee. The Hagenbarths have been notified with a 2-year Grazing Notification.

Currently, the Hogback allotment contains 2393 acres of Federal land and is comprised mainly of needle-and-thread and blue grama. The proposed exchange would decrease the Federal land within the allotment by 363 acres. The current active preference in the allotment is 220 Animal Unit Months (AUMs). The proposed land exchange would decrease the preference by 51 AUMs and would reflect a change to the permit. There would be no change in the management of the allotment.

Although the exchange would create an isolated tract immediately north of Parcel 2 in Section 31, T. 4 S., R.8 W., (34.76 acres), given the characteristics of the land, it is not expected to create management problems. The resource values that currently exist would be the same at least for the short term. The Hagenbarths have stated that their objective in the exchange is to enhance their grazing operation utilizing the Federal land (as well as their adjacent private land) in their livestock grazing operation. The Hagenbarths would continue management of the Hogback Allotment as they presently are. There are no range improvements requiring compensation.

There would be no change in the management of the allotments under the Proposed Action or No Action Alternative.

Use Authorizations and Encumbrances

Non-Federal land

The non-Federal lands in the exchange would be conveyed to BLM at closing via a warranty deed, using the descriptions from Table 1. There are no encumbrances to preclude title transfer.

Under the Proposed Action Alternative, grazing would not be authorized on any of the acquired lands. The No Action alternative would maintain the status quo. Withdrawal of the property from the public land laws, including the mining law, will not have any effect on these uses and encumbrances.

Federal Land

The Federal lands would be conveyed to the Hagenbarths at closing by issuing a patent. Federal rights will be reserved in the patent for Ditches and Canals and a Federal Aid Highway right-of-way. There are no encumbrances to preclude title transfer.

All of the BLM parcels are leased or permitted for livestock grazing, except for the west half of Parcel 1 which is fenced between private lands owned by the Hagenbarths, where livestock grazing occurs. Grazing notifications have been issued. Exchanging Parcel 1 out of Federal ownership under the Proposed Action would eliminate a portion of a custodial grazing allotment. This would improve efficiency in regard to grazing allotment administration. Implementation of the No Action would not result in any management efficiencies.

Social and Economic Values

Non-Federal Land

The non-Federal land is valued for its scenic and recreational values, and the fact that these values have been shared with the public under the landowner's consent for a number of years. The recent trend of large agricultural properties purchased by landowners who then deny access has brought a renewed value to lands which are available to the general public for open space and casual recreational use.

The non-Federal land is currently classified as agricultural grazing land and taxes for that land have been paid according to that classification. Once the exchange is completed and the land is in Federal ownership, taxes will no longer be paid on the property. Under proposed management, grazing would not be authorized on the parcels and therefore fees would not be collected. However, it is expected that much more BLM land will be conveyed into private ownership than will be acquired by BLM resulting in a net gain of tax revenue for both Madison and Beaverhead Counties.

To date, no mineral exploration or production has been known to occur on the non-Federal parcels. Potential for mineral value on the property is low as identified in the Lower Madison River RMA. Thus, withdrawal of the non-Federal land from operation of the public land and mining laws would have little economic impact on the mining industry and will serve to retain the values in public ownership.

Federal Land

Public lands are valued in Beaverhead and Madison County for the economic value they add to grazing, mining, logging, and recreation operations. Use of these lands by the general public for recreational pursuits also provides a stimulus to local communities in proximity to public lands. Taxes are not paid on Federal lands; instead the counties receive a Payment-in-lieu-of-tax (PILT) for Federal lands located within their jurisdiction. PILT payments to Beaverhead and Madison Counties will not be affected by the exchange, even though BLM acres are being conveyed into private ownership. This is primarily due to the emphasis placed on low population densities in the PILT computation formula. Even though there is a large amount of Federally-owned land in each county, the low population densities limit the PILT payment for each county and the disposal of the Federal parcels being addressed in this EA would not affect this payment in either Beaverhead or Madison County.

It is expected that much of the Federal land conveyed into private ownership as part of the exchange will be classified as agricultural grazing land for tax purposes. Consequently, an increase in property tax revenues is expected for both counties due to the gain in acres of private land. Because the PILT payment will not be affected, this will result in a net increase of revenue to the counties.

Receipt of grazing revenues returned to Beaverhead and Madison Counties as a result of collection of fees on the Federal parcels leased for grazing will be reduced as a result of the exchange. However, this reduction is anticipated to be minimal because:

- The return of grazing fees from BLM to the State is 12 1/2% of fees collected within a grazing district and 50% of fees collected on land outside a grazing district, and
- Collection of the current fee per Animal Unit Month (AUM) is \$1.35, results in low overall payments.

Implementation of the No Action alternative would retain the status quo. The counties would continue to collect a portion of the grazing fee on those parcels leased for grazing, but tax revenue would not be generated. PILT payments would continue.

MITIGATING MEASURES

Mitigating measures would consist of patent restrictions for lands within the 100-year floodplain associated with Federal Parcel 1.

RESIDUAL IMPACTS

If the exchange is consummated, 99.54 acres of private land would be conveyed into Federal ownership and approximately 403.36 acres of Federal land would be conveyed into private ownership resulting in approximately 304 acres less of Federally administered land. The lands leaving public ownership would be subject to county rules and regulations, and conversely, the lands coming into Federal ownership would be managed under a proposed comprehensive multiple use management plan, which would be initiated by the BLM following the completion of the land exchange. Under the Proposed Action Alternative, there would be a potential loss of some Federally managed wildlife habitat and vegetation resources; however, the lands would still be used by wildlife, and this loss is offset by the gain of resources including a net increase of approximately 43 acres of riparian habitat, dispersed recreation opportunities, and improved access provided by the private land coming into public ownership which consolidates the land into a larger block resulting in enhanced management of resources and public use. If required, the Federal lands with floodplains would be protected by patent restrictions. The 403.36 acres of Federal land potentially going into private ownership would provide tax income to the counties which would more than offset any deviation in PILT in Beaverhead and Madison counties.

CUMULATIVE IMPACTS

If the exchange is consummated, the patented Federal parcels would likely continue to be used for grazing as part of the current ranch operations and possibly hunting if allowed by the landowner. A portion of Parcel 1 would likely continue to be farmed.

The proposed increased management of the Lower Big Hole River RMA on the acquired non-Federal lands could further improve the condition of the historic perennial

channels/streams and associated riparian habitat and could have a positive effect on the river downstream. While the Federal and non-Federal lands proposed for exchange each possess their own wealth of wildlife values, they most likely will function at or near the level of wildlife potential that they possess currently, the habitat on the acquired non-Federal lands could be enhanced by various management practices. The enhanced recreational opportunities by consolidating the non-Federal and Federal lands could have a positive effect on the local economy by bringing users into the area. If this exchange is consummated with a positive attitude, it will likely lead to more exchanges of this type within the Field Office.

CHAPTER 4

CONSULTATION/COORDINATION

LIST OF PREPARERS

Public Involvement and Agencies and Persons Consulted

The DFO held a public information meeting on May 31, 2007 to discuss the exchange and to provide an opportunity for the public to offer comments and voice their concerns. There were seven people who attended the meeting, including two Beaverhead County Commissioners, all in support of the exchange. One written comment was also received in support of the exchange.

Grazing permittees were sent a 2-year notice as required under the grazing regulations when land under lease is being considered for conveyance out of Federal ownership. In addition, meetings were held with local County government officials early in the process to review and discuss the proposed exchange.

In July/August 2010, a formal Notice of Exchange Proposal (NOEP) was published in *The Dillon Tribune* and the *Madisonian* newspapers. The NOEP was published in the legal section for four consecutive weeks in each newspaper. A copy of the NOEP was sent to 25 entities that had previously expressed an interest in BLM's land exchange program and/or had affected interests associated with the BLM exchange parcels. This included adjacent landowners and grazing permittees.

List of Preparers

An Interdisciplinary Team comprised of a variety of resource specialists in the Dillon Field Office provided input and comment to prepare this environmental assessment.

The team included:

Jason Strahl, Archaeologist
Bob Gunderson, Geologist
Kelly Bockting, Wildlife Biologist
Paul Hutchinson, Fisheries Biologist
Rick Waldrup, Outdoor Recreation Planner
Kelly Urresti, Rangeland Management Specialist
Brian Thrift, Rangeland Management Specialist
Mike Mooney, Range Technician Weeds
Peter Bierbach, Hazardous Material Coordinator
Angela Brown, Realty Specialist
Vinita Shea, Assistant Field Manager/NEPA Coordinator