

**DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
CONRAD UNIT OFFICE**



GREG GIANFORTE, GOVERNOR

STATE OF MONTANA

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**DECISION MEMO  
ACTIONS OF SPECIAL NATURE**

Rock City 1923 Filming Project LUL – 307-230021  
October 17 – 24, 2022  
King Street Productions  
48.443652°N, -112.258171°W  
Pondera

**PURPOSE AND NEED**

King Street Productions (UPM: Agent: Jim Ward) propose a filming project for the Paramount series, 1923, located on Department of Natural Resources and Conservation (DNRC) state trust land known as Rock City.

Rock City consists of 140.49 grazing acres under state lease 10341 located in LOTS 1, 2, 3, 4, and the SE4SE4 of Section 16, T31N, R5W in Pondera County, MT. Rock City is a popular recreational use site due to the unique sandstone pillars, known as hoodoo towers and the confluence of Birch Creek and the Two Medicine River located on the tract. Rock City is a tourist attraction for outdoor enthusiasts and recreationists across the state and nation.

King Street Productions proposes a filming project that will entail 700 sheep, two Native American actors, a wolf, a horse, a film crew of approximately 50 personnel, and various vehicles used for gear and personnel transportation on state lease 10341. The filming project is expected to be from October 17<sup>th</sup> – 24<sup>th</sup> of 2022 and will be closed to the public on those specific days. The filming project proposes to do minor road improvements and fix the cattle guard ahead of filming. King Street Productions has worked with John Peterson the lessee of state lease 10341 for potential surface damages that could reduce forage for livestock. The filming project will not change the existing state lease 10341 production value nor the public recreational value. The filming project will be permitted under LUL – 307-230021.

The filming project will benefit the Common Schools Trust through a one-time payment of \$20,000.00 and the improvement of the cattle guard and road that leads to Rock City.

**Explanation of the decision(s) that must be made regarding the proposed action (i.e. approve the filming project for the Paramount series, 1923, located on DNRC state trust land known as Rock City):**

DNRC will approve the filming project for the Paramount series, 1923, located on DNRC state trust land known as Rock City which will benefit the Common Schools Trust through a one-time payment of \$20,000.00 and the improvement of the cattle guard and road that leads to Rock City

DNRC is not required to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) for actions that qualify for a CATEGORICAL EXCLUSION (ARM 36.17.614) or justified by a PROGRAMMATIC REVIEW; or are ACTIONS OF A SPECIAL NATURE (ARM 36.2.523(5)); or are EMERGENCIES (ARM 36.2.539). These actions are subject to review for EXTRAORDINARY CIRCUMSTANCES that would require an EA or an EIS.

**ACTIONS OF SPECIAL NATURE (ARM 36.2.523)**

- Administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions.
- Minor repairs, operations, or maintenance of existing equipment or facilities.
- Investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards.
- Ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner.
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment.

**CATEGORICAL EXCLUSION/ PROGRAMMATIC REVIEW**

- Categorical Exclusion (CE) refers to a type of action which does not individually, collectively, or cumulatively require an EA or EIS, as determined by rulemaking or programmatic review adopted by the agency, unless extraordinary circumstances, as defined by rulemaking or programmatic review, occur. This project qualifies under ARM 36.17.614 CATEGORICAL EXCLUSIONS.
- Programmatic review means an analysis (EIS or EA) on the impacts on the quality of the human environment or related actions, programs, or polices. DNRC – Conrad Unit does not have any programmatic reviews completed at the time of this template.

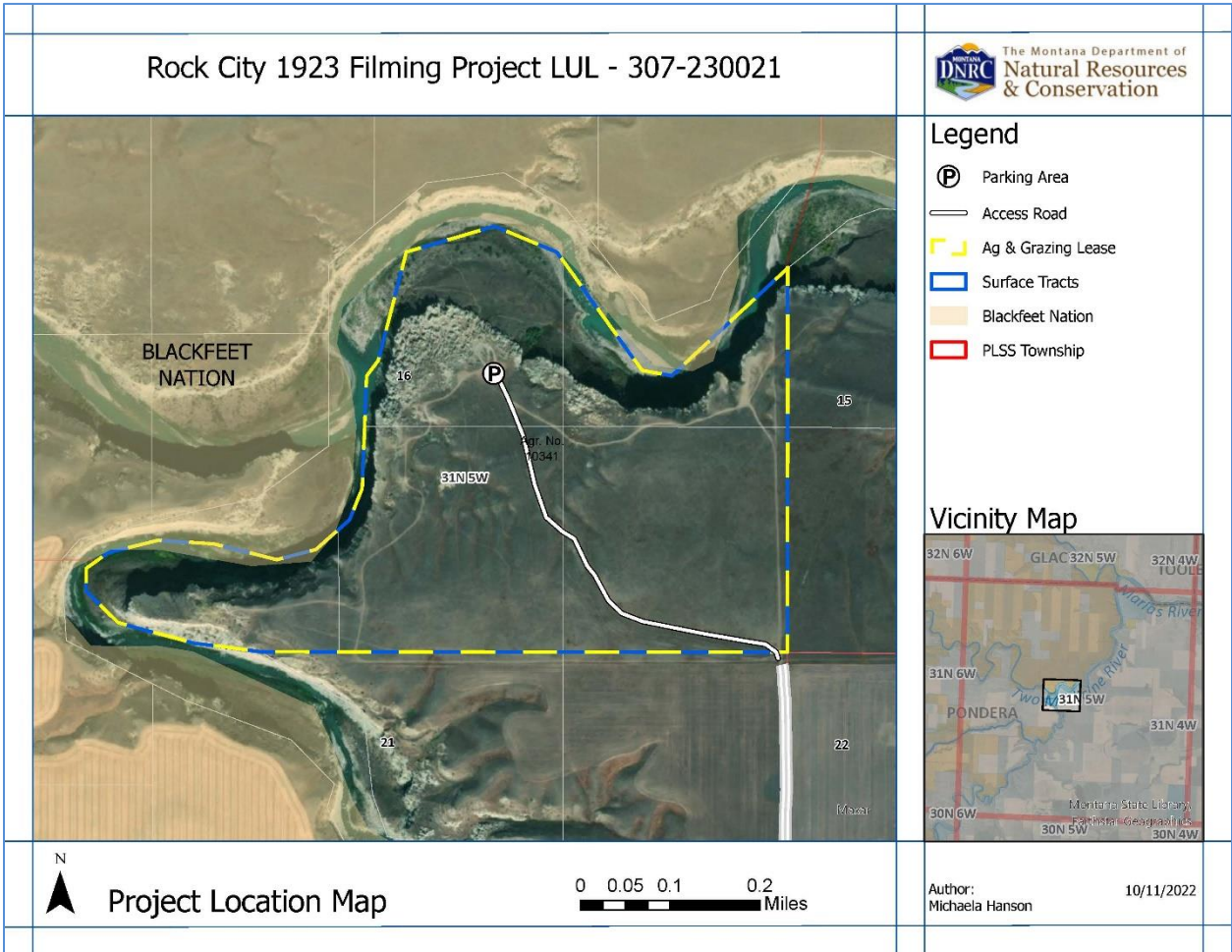
The project listed above meets the definition of Actions of Special Nature, Categorical Exclusion or Programmatic Review including specified conditions and Extraordinary Circumstances. Included below is a supplemental checklist verifying the use of the Actions of Special Nature.

<b>Prepared By:</b>	<b>Name:</b> Michaela Hanson	<b>Date:</b> 10/11/2022
	<b>Title:</b> Land Use Specialist, Conrad Unit, Central Land Office	

<b>Approved By:</b>	<b>Name:</b> Erik Eneboe	<b>Date:</b> 10/11/2022
	<b>Title:</b> Unit Manager, Conrad Unit, Central Land Office	

<b>Signature:</b>	
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# Project Location Map



**DNRC – CONRAD UNIT DOCUMENTATION OF ACTIONS OF SPECIAL NATURE  
DETERMINATION CHECKLIST**

**Project Name:** Rock City 1923 Filming Project LUL – 307-230021

**Proposed Implementation Date:** October 17 – 24, 2022

**Proponent:** King Street Productions (UPM: Jessica Pollini and Agent: Jim Ward)

**Brief Description:** King Street Productions propose a filming project for the Paramount series, 1923, located on Department of Natural Resources and Conservation (DNRC) state trust land known as Rock City. The filming project will not change the existing state lease 10341 production value nor the public recreational value.

**Location:** in LOTS 1, 2, 3, 4, and the SE4SE4 of Section 16, T31N, R5W

**County:** Pondera, MT

**Category (refer to ARM 36.2.523 (5) for additional detail):**

(5) The agency is not required to prepare an EA or an EIS for the following categories of action:

(a) actions that qualify for a categorical exclusion as defined by rule or justified by a programmatic review. In the rule or programmatic review, the agency shall identify any extraordinary circumstances in which a normally excluded action requires an EA or EIS;

(b) administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;

(c) minor repairs, operations, or maintenance of existing equipment or facilities;

(d) investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards;

(e) ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner; and

**(f) actions that are primarily social or economic in nature and that do not otherwise affect the human environment.**

**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 Actions of Special Nature or 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 |

