

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION

NORTHEASTERN LAND OFFICE

DNRC - Trust Land Management Division



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STATE OF MONTANA

November 15, 2004

MEMORANDUM

**TO:** Becky Shepard, Office Manager, Northeastern Land Office  
Clive Rooney, Area Manager, Northeastern Land Office

**FR:** Dan Dobler, Havre Unit Manager, Northeastern Land Office

**RE:** J. Burns Brown Operating Company  
Land Use License #3213  
Buried 4" Polymer Natural Gas Pipeline  
Hill County, Montana

*Dan Dobler*

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LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

I have an application for a land use license from John Brown Jr. of J. Burns Brown Operating Company (JBBOC). John is the Landman for J. Burns Brown Operating Company and his telephone number is (406) 265-7100.

Enclosed you will find a land use license application, copies of the topographic maps and aerial photos with the proposed pipeline route outlined on them, a copy of the transaction set, a copy of the check for the application fee with receipt number listed at the top, a copy of the deposit record, a copy of the deposit receipt, and an Environmental Assessment Checklist. Please review the EA Checklist, sign and date it, and return an executed copy to the Havre Unit Office. Please forward a copy of the EA Checklist to Connie Daruk in Helena, so that she may forward it to the Environmental Quality Council.

JBBOC is proposing to bury a 4" polymer natural gas pipeline across portions of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, and across portions of the NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 7, T34N, R15E. The proposed pipeline will transport natural gas from several existing natural gas wells in the surrounding area. The natural gas pipeline will cross approximately 367.69 rods over these two tracts of state grazing land. I'm recommending that the Department issue J. Burns Brown Operating Company a land use license for a one time rental fee of \$735 for the installation of a 4" polymer natural gas pipeline across these two tracts of state land.

The following should give you all the information you need.

**Applicant:** J. Burns Brown Operating Company  
C/o John Brown Jr.  
P.O. Box 420  
Havre, MT 59501

**Description:** SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 6, T34N, R15E  
Pt NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 7, T34N, R15E  
Hill County, Montana

**Rental:** One time rental of \$735

**Duration:** November 20, 2004 through February 28, 2009

**Activity:** The purpose of this land use license is for the installation of a 4" polymer natural gas pipeline across state land. The natural gas pipeline will be used to for the transportation of natural gas from several existing natural gas wells within the surrounding area.

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**Stipulations:**

Licensee shall contact the state's surface lessee(s) and the Havre Unit Office 24 hours prior to commencing any surface activities.

Motorized vehicle use will only occur on dry or frozen ground. No activities will be allowed during muddy conditions.

No vehicle oil changes or petroleum disposal shall occur on the state land.

There will be no off road traffic other than that necessary to accomplish the pipeline installation.

All gates will be left as they are found and all fences that are taken down will be restored to their original condition as soon as possible.

Licensee shall not conduct any type of road construction activities without prior approval from the Havre Unit Office.

Licensee shall make satisfactory adjustment for any damages sustained by the owner or lessee of the surface on the lands, in connection with the operations by the licensee.

All refuse and garbage generated from the licensed activity will be removed from state land and properly disposed of.

The licensee shall be responsible for controlling any noxious weeds introduced by the licensee's activity on the state land and shall prevent or eradicate the spread of those noxious weeds onto deeded land adjoining the premises.

The licensee shall be responsible for controlling all annual weeds along the pipeline route across these two tracts of state grazing land.

The topsoil removed from the site must be located upslope from the project and used for covering the subsoil. Subsoil and excessive dirt must be located down-slope from the project and used first for fill.

All disturbed areas shall be seeded with State of Montana Certified or Registered seed. The seed mixture shall be planted in the amounts specified in pounds of pure live seed per acre (PLS/acre). The seed mixture shall consist of 4 lbs. PLS/acre 'Rosana' western wheatgrass, 4 lbs. PLS/acre 'Pryor' slender wheatgrass, 4 lbs. PLS/acre 'Lodorm' green needlegrass, and 1 lb. PLS/acre yellow sweetclover (seed poundage is to be doubled if area is broadcast seeded). The seeding will be repeated until a satisfactory stand is established as determined by the Havre Unit Office.

Enclosures

# CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name: LUL #3213 - J. Burns Brown Operating Co. Buried 4" Polymer Natural Gas Pipeline</b>	<b>Proposed Implementation Date: November 20, 2004</b>
<b>Proponent: J. Burns Brown Operating Company (JBBOC), C/o John O. Brown Jr. , PO Box 420, Havre, MT 59501</b>	
<b>Type and Purpose of Action: J. Burns Brown Operating Company has requested permission to bury a 4" polymer natural gas pipeline across two tracts of state grazing land. The proposed natural gas pipeline will be for the transportation of natural gas from several existing natural gas wells in the surrounding area. The proposed natural gas pipeline will cross approximately 367.69 rods over these two tracts of state grazing land.</b>	
<b>Location: SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math> Sec. 6, T34N, R15E Pt NW<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, Sec. 7, T34N, R15E</b>	<b>County: Hill County, Montana</b>

## I. PROJECT DEVELOPMENT

<p>1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED: Provide a brief chronology of the scoping and ongoing involvement for this project.</p>	<p>The Montana Department of Natural Resources and Conservation has been petitioned by J. Burns Brown Operating Company to bury a four-inch polymer natural gas pipeline across two tracts of state land for the purposes of transporting natural gas from several existing natural gas wells in the surrounding area. JBBOC will notify the state's surface lessee(s), Fred Springer and Ila &amp; Rod McClenahan, regarding this proposal. JBBOC will be responsible for settling all surface damages within a reasonable time period following the completion of the buried natural gas pipeline.</p>
<p>2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:</p>	<p>The Montana Department of Natural Resources and Conservation's, Havre Unit Office, Minerals Management Bureau, and the Montana Board of Oil and Gas are the only governmental agencies that have jurisdiction for this type of project on State of Montana School Trust Lands.</p>
<p>3. ALTERNATIVES CONSIDERED:</p>	<p><b>Action Alternative:</b> Grant JBBOC permission to bury a four-inch polymer natural gas pipeline across these two tracts of state land. The Montana DNRC will issue JBBOC a land use license for the installation of the 4" polymer natural gas pipeline across 367.69 rods on the above referenced tracts of state land.</p> <p><b>No Action Alternative:</b> Deny JBBOC permission to bury a four-inch polymer natural gas pipeline for the transportation of natural gas across these two tracts of state land. JBBOC will have to find an alternative route for their gathering pipeline.</p>

II. IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS
<p>4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactable or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations?</p>	<p>The soils on these two tracts of state land are silty-clay loams. These tracts of state land are used primarily for livestock grazing purposes. The topography across this area consists of gently rolling plains. There are no unusual geological features present in the route of the proposed pipeline.</p> <p><b>Action Alternative:</b> JBBOC will disturb the soils on these tracts of state land by burying a 4" polymer pipeline. Mitigation measures will be used to stockpile the topsoil on the upslope side of the pipeline trench, so that it may be used for reclaiming the site. The excessive dirt would be stock piled on the down slope side of the pipeline trench and used first for fill. The proponent will be required to reclaim the disturbed areas, once the pipeline project has been completed. The reclamation plan will be provided within the Land Use License stipulations issued by the Havre Unit Office.</p> <p><b>No Action Alternative:</b> The natural gas gathering pipeline will not be buried across these two tracts of state land. The soils will not be disturbed on these tracts of grazing land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>
<p>5. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?</p>	<p><b>Action Alternative:</b> The project will have a minimal impact on surface and groundwater resources within the surrounding area. Burying a four-inch natural gas pipeline across these tracts of state land will not impact the water quality, quantity, and distribution in this area, as long as JBBOC follows the stipulations that the Montana DNRC has laid out for this project. The location of the proposed gathering pipeline is in a rural area that is primarily used for livestock grazing, dryland agricultural production and Conservation Reserve Program practices.</p> <p><b>No Action Alternative:</b> The water quality, quantity, and distribution will not be impacted in this area. The natural gas pipeline will not be buried across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>

## II. IMPACTS ON THE PHYSICAL ENVIRONMENT

6. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?

**Action Alternative:** No pollutants will be produced by burying a natural gas pipeline across these two tracts of state land. Some dust particulates may be produced during the initial stages of installing the pipeline. However, the air quality will return to normal once these activities have been completed and the area of the proposed disturbance has been reclaimed.

**No Action Alternative:** The air quality will not be impacted on these two tracts of state land. JBOC will not be allowed to install a four-inch polymer natural gas pipeline across these tracts of state land. The Montana DNRC will not issue JBOC a land use license for this project.

7. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?

The vegetative communities found on the native rangeland include the following plant species: western wheatgrass (*Agropyron smithii*), needle-and-thread (*Stipa comata*), blue grama, (*Bouteloua gracilis*), green needlegrass (*Stipa viridula*), sedges (*Carex spp.*), prairie junegrass (*Koeleria pyramidata*), sandberg bluegrass (*Poa secunda*), cudweed sagewort (*Artemisia ludoviciana*), fringed sagewort (*Artemisia frigida*), dense clubmoss (*Selaginella densa*), and silver sagebrush (*Artemisia cana*).

**Action Alternative:** The vegetative communities in the immediate area of the disturbance will be permanently altered with this type of project. However, if the proponent follows the mitigation measures outlined in the land use license, there will be a minimal disturbance. Reclamation efforts will ensure that all vegetative communities that are disturbed will be reclaimed to their natural state. The reclamation plan will provide erosion protection, support for the surrounding habitat types, and the return of the grazing land to its native potential.

**No Action Alternative:** The vegetative communities found throughout the proposed project area will not be disturbed. Rare plants and cover types will not be altered. The native rangeland plant species will not be impacted and livestock forage will not be lost. The Montana DNRC will not issue JBOC a land use license for this project.

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?</p>	<p><b>Action Alternative:</b> Wildlife habitat found within the immediate area of disturbance will not be impacted with the installation of a natural gas gathering pipeline. The disturbance will be minimal and the reclamation plan will ensure that the vegetative communities are restored to their natural status. Construction activities and an increase in road travel may temporarily displace some wildlife species found in this area. Wildlife species will not be permanently relocated as a result of this type of activity. Wildlife species will return to normal activities once the pipeline project is completed.</p> <p><b>No Action Alternative:</b> The terrestrial and avian life and their associated habitats will not be impacted on these two tracts of state land. JBBOC will not be authorized to bury a four-inch polymer natural gas pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>
<p>9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Sensitive Species or Species of special concern?</p>	<p><b>Action Alternative:</b> The proposed natural gas pipeline will have a minimal impact on the unique, endangered, fragile, and limited environmental resources present in this area. There are no wetlands located within the immediate area of the proposed disturbance. No sensitive species or species of special concern will be threatened by this project. Listed, threatened, or endangered species will be able to migrate through this area with minimal impact. There is no confirmed use of this area by threatened and/or endangered species. However, the potential of occasional use does exist.</p> <p><b>No Action Alternative:</b> The unique, endangered, fragile and limited environmental resources found on these two tracts of state land will not be impacted. JBBOC will not be authorized to bury a four-inch polymer pipeline across these tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>

## II. IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>10. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p><b>Action Alternative:</b> The Montana DNRC has conducted a cultural survey on the proposed route of the natural gas pipeline. No cultural or archaeological resources were found in the area of the proposed route of the natural gas pipeline. If cultural resources are discovered at any time during the installation of the pipeline, the proponent will cease all activity and contact the MT DNRC's, Havre Unit Office.</p> <p><b>No Action Alternative:</b> There are no known historical and archaeological resources present in the area of the proposed disturbance. JBOC will not be authorized to bury a four-inch polymer pipeline across these two tracts of state land. The Montana DNRC will not issue JBOC a land use license for this project.</p>
<p>11. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?</p>	<p><b>Action Alternative:</b> The proposed natural gas pipeline will be visible to the public, until the native vegetation reclaims this area. The project is located approximately 14 miles northwest of Havre, Montana in Hill County. These tracts of state land are used primarily for livestock grazing purposes. Burying a natural gas pipeline will create some excessive noise throughout the entire installation process. However, once the pipeline is buried, there will not be any excessive noise or light disturbances in this area.</p> <p><b>No Action Alternative:</b> The aesthetic character found on these two tracts of state land will not be impacted. JBOC will not be authorized to bury a four-inch polymer natural gas pipeline across these two tracts of state land. The Montana DNRC will not issue JBOC a land use license for this project.</p>
<p>12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?</p>	<p><b>Action Alternative:</b> This project will demand the environmental resource of land for the installation of a natural gas pipeline. The demand on other environmental resources such as energy, water, and air will be minimal. Livestock grazing will continue to be the only other authorized surface activity on these two tracts of state land.</p> <p><b>No Action Alternative:</b> There will be no additional demands on the environmental resources that are currently found across these two tracts of state land. The Montana DNRC will not issue JBOC a land use license for this project.</p>

## II. IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: Are there other studies, plans or projects on this tract?</p>	<p><b>Action Alternative:</b> The Montana DNRC will continue to evaluate these tracts of School Trust Land every ten years to monitor grazing management activities, set stocking rates, and to determine range trend. The Montana DNRC does not have any other studies, plans, or projects on these two tracts of state land at this time. There are no other environmental documents pertinent to this area.</p> <p><b>No Action Alternative:</b> The project will not impact other studies, plans, or projects that the DNRC may have for these two tracts of state land. JBOC will not be authorized to bury a four-inch polymer pipeline across these tracts of state land. The Montana DNRC will not issue JBOC a land use license for this project.</p>
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## III. IMPACTS ON THE HUMAN POPULATION

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>14. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p><b>Action Alternative:</b> JBOC, their subcontractors, and its employees understand the risks associated with the installation of a natural gas pipeline. The proponent and their employees assume these risks as occupational hazards.</p> <p><b>No Action Alternative:</b> The project will not add to the health and human safety risks found in this area. JBOC will not be allowed to bury a four-inch polymer natural gas pipeline across these two tracts of state land. The Montana DNRC will not issue JBOC a land use license for this project.</p>
<p>15. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?</p>	<p><b>Action Alternative:</b> The installation of a natural gas pipeline will add to the industrial activity on these two tracts of state land. The future forage production levels on these two tracts of grazing land will be minimal with this type of project. The reclamation plan will ensure that the vegetative communities are restored to their native potential.</p> <p><b>No Action Alternative:</b> The industrial, commercial, and agricultural activities that are currently found on these two tracts of state land will not be altered. There will be no additional revenue generated to the School Trust in the form of a land use license. The Montana DNRC will not issue JBOC a land use license for this project.</p>

<p>16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.</p>	<p><b>Action Alternative:</b> The pipeline will allow JBBOC to transport natural gas from several of their existing natural gas wells in the surrounding area. The School Trust Fund and the State of Montana will benefit from the increased revenue brought in from the additional sale of commercial natural gas and land use license fees.</p> <p><b>No Action Alternative:</b> The quality and distribution of employment will not be impacted in this area. The subcontractor doing the pipeline work will be out of an additional job. JBBOC will not be authorized to bury a four-inch natural gas pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>
<p>17. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?</p>	<p><b>Action Alternative:</b> The project will not create or eliminate tax revenue in Hill County. The project will have no impact on the local and state tax base.</p> <p><b>No Action Alternative:</b> The local and state tax base will not be affected. Tax revenue will remain the same in Hill County regardless of the decision made by the Montana DNRC.</p>
<p>18. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?</p>	<p><b>Action Alternative:</b> There will be an increase in traffic across the existing county roads, during the initial stages of installing the natural gas pipeline. The project will not create a demand for government services. The project will not require the services of fire protection, police, or schools.</p> <p><b>No Action Alternative:</b> There will be no demand for additional government services on these two tracts of state land. The Montana DNRC will continue to manage School Trust lands to generate revenue for the Trust beneficiaries, while considering the environmental factors and protecting the future income-generating capacity of the land.</p>
<p>19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p><b>Action Alternative:</b> The project will not interfere with any other locally adopted environmental plans or goals that the Montana DNRC has for these tracts of state land. No zoning plans will be in effect for the installation of a natural gas pipeline.</p> <p><b>No Action Alternative:</b> There are no other known locally adopted environmental plans or goals for these two tracts of state land, other than the authorized grazing activity that is licensed for this tract of state land by the Montana DNRC. The Montana DNRC will not issue JBBOC a land use license for this project.</p>

<p>20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?</p>	<p><b>Action Alternative:</b> The proposed natural gas pipeline is located on legally accessible tracts of state land. The main recreational activities that occur here are hunting and hiking. The proposed natural gas pipeline will have a minimal impact on the recreational activities that occur in this area.</p> <p><b>No Action Alternative:</b> The recreational activities that occur on these two tracts of state land will continue to be hunting and hiking. The recreational potential for these tracts of state land will continue to remain low to moderate. JBBOC will not be authorized to bury a four-inch polymer pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>
<p>21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?</p>	<p><b>Action Alternative:</b> The project will not add to the population and require additional housing. The density and distribution of population and housing will continue to remain the same. The project will be completed in one to two days and the industrial activity on these two tracts of state land will return to normal.</p> <p><b>No Action Alternative:</b> The density and distribution of population and housing will continue to be low in this rural farming and ranching community. JBBOC will not be authorized to bury a four-inch polymer pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>
<p>22. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p><b>Action Alternative:</b> The project will not disrupt any native or traditional lifestyles found in this area. The social structures and mores will not be changed with the installation of a natural gas pipeline across these two tracts of state land.</p> <p><b>No Action Alternative:</b> The native and traditional lifestyles will not be disturbed. The social structures and mores found in this area will continue to remain the same. JBBOC will not be authorized to bury a four-inch polymer pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>

<p>23. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p><b>Action Alternative:</b> The proposed natural gas pipeline will not cause a shift in the unique quality of this area. The pipeline will be buried below the surface and will provide JBBOC with a reliable pipeline to transport natural gas from their existing natural gas wells that are located within the surrounding area.</p> <p><b>No Action Alternative:</b> The cultural uniqueness and diversity of this area will remain the same. These tracts of state land will continue to be used for livestock grazing purposes, through a grazing lease issued by the Montana DNRC/TLMD/AGMB. JBBOC will not be authorized to bury a four-inch polymer pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project.</p>
<p>24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p><b>Action Alternative:</b> The project will generate additional revenue for the Montana DNRC/TLMD. JBBOC will benefit from the installation of this natural gas pipeline to transport natural gas from several of their existing natural gas wells in the surrounding area. These natural gas wells are currently producing natural gas, but JBBOC has no way of transporting it to be sold on the open market.</p> <p><b>No Action Alternative:</b> There will be no additional revenue generated from these two tracts of state land to the School Trust Fund of Montana. J. Burns Brown Operating Company will be forced to find an alternative route for the natural gas gathering pipeline. JBBOC will not be authorized to bury a four-inch polymer pipeline across these two tracts of state land. The Montana DNRC will not issue JBBOC a land use license for this project. There are no other appropriate social and/or economic circumstances to discuss within this Environmental Assessment Checklist.</p>

EA Checklist Prepared By:                     Dan Dobler                      
Name

                    Havre Unit Manager, NELO                      
Title

                    Dan Dobler                      
Signature

                    November 15<sup>th</sup>, 2004                      
Date

IV. FINDING	
25. ALTERNATIVE SELECTED:	Achieve
26. SIGNIFICANCE OF POTENTIAL IMPACTS:	N.S.I.
27. Need for Further Environmental Analysis:  <input type="checkbox"/> EIS <input type="checkbox"/> More Detailed EA <input checked="" type="checkbox"/> No Further Analysis	

EA Checklist Approved By: Clive Rooney  
Name

Area Manager, Northeastern Land Office  
Title

  
Signature

11/17/91  
Date