

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Miller – Rehberg Temporary Access
Proposed Implementation Date:	November 2009
Proponent:	Miller’s Trucking, P.O. Box 6, Judith Gap, MT 59453 Ph: 406-473-2346
Location:	Section 16- T1N-R25E (Common School Trust)
County:	Yellowstone

I. TYPE AND PURPOSE OF ACTION

The Proponent has applied to the DNRC to provide a Land Use License to allow for the hauling of logs across State land upon an existing road for approximately 3/4 of a mile. The road is located in the S ½ of Section 16-T1N-25E (Common School Trust) and is currently closed to motorized vehicles. The proposed LUL would be used to haul approximately five truckloads of wood products from an adjacent land owner during a three-week period. The construction and routing of an alternative access across private property is topographically impossible and/or impractical due to an adjoining subdivision with restrictions placed on its roads.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:
Provide a brief chronology of the scoping and ongoing involvement for this project.

DNRC Southern Land Office Area Manager Richard Moore and SLO Land Use Specialist Gary Brandenburg conducted a field review in November 2009. Scoping and involvement was conducted with Dennis Rehberg (Lessee), DNRC Archaeologist Patrick Rennie, and the Montana Natural Heritage Program.

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

The Yellowstone County Weed Board administers the State weed laws in Yellowstone County.

3. ALTERNATIVES CONSIDERED:

Action Alternative: A Land Use License would be granted to the Proponent to utilize an existing road to haul wood products.

No Action Alternative: No Land Use License would be granted. Current non-motorized recreational use, grazing leasing, and wildland fire suppression activities would continue.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain *POTENTIAL IMPACTS AND MITIGATIONS* following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The proposed project is located on an existing two-track road. The grade along the entire length of the existing road is less than 10%. Field visits revealed no evidence of erosion upon the existing road. Proponent would be restricted to the existing road and should any sign of erosion occur upon this road, the proponent would be required to install erosion control features where necessary. No significant impacts are anticipated.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

The proposed project is located on an existing two-track road. Should any sign of erosion occur upon this road, the proponent would be required to install erosion control features where necessary. Any maintenance or improvements to the existing road would be required to meet Water Quality BMPs for Montana Forests. No significant impacts are expected.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

None.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The proposed project activities would remain within the current road margin. Minimal vegetative disturbance is expected. No significant impacts are anticipated.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

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

A variety of big game, small mammals, raptors, songbirds, and grouse use the proposed project area. Granting of the Land Use License with its associated motorized travel could disrupt wildlife movement and patterns. Due to short project duration and timing, minimal impacts are anticipated.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

The Montana Natural Heritage Program identified five vertebrate animal species of concern in the vicinity of the proposed project area: Greater sage-grouse, spotted bat, common sagebrush lizard, Western hog-nosed snake, and milksnake.

Greater sage-grouse are known to inhabit the proposed project area. Due to the timing of the proposed project (November and December) being outside of the mating and nesting period, the proposed project being upon an existing two-track road, and the short duration of the project, no impacts are anticipated.

Spotted bats have been known to inhabit the proposed project area. Little is known about this bat but there are no references to their being active in November or December. They have either entered into hibernation (torpor) or migrated by mid-November. Due to the timing of the proposed project (November and December) and the bats either in hibernation or have migrated, the proposed project being upon an existing two-track road, and the short duration of the project, no impacts are anticipated.

Western hog-nosed snakes are known to exist approximately $\frac{3}{4}$ of a mile to the southeast of the proposed project area. Due to the timing of the proposed project being outside of the snake's active period during the summer months, the proposed project being upon an existing two-track road, and the short duration of the project, no impacts are anticipated.

Common sagebrush lizards are known to exist approximately $\frac{3}{4}$ of a mile to the east of the project area. The lizard's active period is from March through September. Due to the timing of the proposed project being outside of the lizard's active period, the proposed project being upon an existing established road, and the short duration of the project, no impacts are anticipated.

Milksnakes inhabit the proposed project area. References state their active period is from April through September and would be in hibernacula by mid-October at the latest. Due to the timing of the proposed project being outside of the snake's active period, the proposed project being upon an existing two-track road, and the short duration of the project, no impacts are anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

No cultural resources have been identified in the project area. As the proposed project would remain within the existing road margin, the DNRC archaeologist recommends no additional archaeological investigative work. No significant impacts are anticipated.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

Although near Billings, the proposed project area is located in a sparsely populated area. Due to its remoteness, the proposed project being located upon an existing road, and nature of the proposed project, aesthetics should not be adversely affected.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

None.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

The Southern Land Office conducted a DNRC range evaluation on Section 16-T1N-R25E in 2004.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

None.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

None.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

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

None.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

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

None.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services.

None.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

The DNRC Administrative Rules for State Land Leasing ARM 36.25.101 through 36.25.141.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The proposed project area is currently closed to all forms of motorized recreation. The proposed project would not affect recreational access. No impacts are anticipated.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

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

None.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

None.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

None.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The proposed action has provided \$25 for a Land Use License application fee and would provide \$150.00. The existing grazing lease would continue to provide \$3660.00 annual revenue to the Trust (2009 rates).

EA Checklist Prepared By:	Name: /s/ Richard A. Moore	Date: November 16, 2009
	Title: SLO Area Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

After reviewing the Environmental Assessment, I have selected the Action Alternative, to issue a Land Use License. I believe this alternative can be implemented in a manner that is consistent with the long-term sustainable natural resource management of the area and generating revenue for the common school trust.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I conclude all identified potential impacts will be avoided or mitigated by BMP compliance, and no significant impacts will occur as a result of implementing the selected alternative.

Mitigation measures:

1. Erosion control features will be installed by Proponent should the DNRC determine as necessary.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Jeff Bollman
	Title: SLO Area Planner
Signature: /s/ Jeff Bollman	Date: 11/16/09