

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Western Energy Pit Expansion
Proposed Implementation Date:	2011
Proponent:	Western Energy
Location:	T2N-R40E-Sec 36
County:	Rosebud County

I. TYPE AND PURPOSE OF ACTION

Western Energy has submitted an application DS-409 to take and remove scoria from State Trust Land. The proponent wishes to expand the existing pit and open a second pit located to the northeast. The project is located in T2N-R40E-Sec 36. This scoria will be used for road construction and maintenance aggregate.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The proponent has requested and filed that state application DS-409 Application for permit to take and remove scoria from state lands form. Due to the sites being within the boundary of the proponent's active mining permit no public scoping was conducted. ELO staff made a field evaluation of the site on September 2011.

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

Montana Department of Environmental Quality-Open Pit Mining Permit
Montana DNRC DS-409
Comprehensive Noxious Weed Management Plan

3. ALTERNATIVES CONSIDERED:

Alternative A- Grant permit to take and remove scoria from trust land
Alternative B- No Action

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.

Alternative A- Proposed pit has limited soil structure. Most areas of the site are scoria shale with no top or subsoil cover. Any topsoil and subsoil shall be stripped and stockpiled for use in reclamation. Reclamation will require the slopes of the area to be put back to a natural contour with erosion control techniques.

Alternative B- The proponent will have to pursue other means to acquire the scoria material needed for the project. This will add expense and time to the project and realize no monetary benefit to the trust. The scoria hillside will remain undisturbed.

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.

Alternative A-Minimal runoff of particulates could be expected. Due to the minimal amount of topsoil on the site and distance to the nearest drainage minimal impact can be expected. All construction will be done in a manner to contain any runoff. No groundwater resources should be disturbed.

Alternative B- No Impact.

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.

Alternative A- Pollutants and Particulates may be increased during the construction of the project. After the completion of the project pollutant and particulate levels should return to normal.

Alternative B- No impact

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.

Alternative A- Vegetative cover will be disturbed in the area of mining operation. Species on the site include Western Wheatgrass (*agropyron smithii*), Blue Bunch Wheatgrass (*agropyron spicatum*), Little Bluestem (*schizachyrium scoparium*), Sand Bluestem (*andropogon hallii*), Sideoats Grama (*bouteloua curtipendula*), Prairie Sandreed (*calamovilfa longifolia*), Blue Grama (*bouteloua gracilis*), Needle and Thread (*stipa comata*), Prairie Junegrass (*koleria pyramidata*), Ponderosa Pine (*pinus ponderosa*) as well as forb and shrub increaser species. The proponent will be required to provide the Eastern Land Office with a comprehensive noxious weed management plan subject to approval. The proponent will also be required to allow the Eastern Land Office to conduct a small volume timber permit to capture the value of timber removed from the tract. Natural regeneration of Ponderosa Pine (*pinus ponderosa*) is likely to occur over time from the existing seed source from undisturbed adjacent stands and the site disturbance created by reclamation measures.

Alternative B- No Impact

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.

Alternative A-There may be minimal disruption to the wildlife that inhabit the area. Disruption may occur during the duration of the project. After completion and reclamation of the project wildlife use should return to normal levels.

Alternative B- No Impact

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.

Alternative A-There is no evidence of any sensitive species habitats in the scope of the project. No significant impact

Alternative B- No Impact

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Alternative A- Upon inspection and search of cultural and historical records no sites were noted within the scope of the project. No impact expected.

Alternative B- No Impact

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.

Alternative A- This may permanently change the appearance of the landscape. Reclamation requirement should make the site more aesthetically pleasing after the construction. Noise levels may be increased during the project but should return to normal after the completion of the project. Minimal Impact

Alternative B- No Impact

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.

Alternative A-The effects on limited resources will be the removal of approximately 990,000 cubic yards of scoria shale material. This should have a moderate impact on the limited resources on the state tract. This should not affect any nearby projects.

Alternative B- No Impact

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.

None

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• 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.

Alternative A- There may be potential safety risks for laborers but the potential risk is minimal with proper safety efforts and trained employees. The site is currently under a recreational use closure to provide for public safety.

Alternative B- No Impact

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

Alternative A- It should have a positive effect on Industrial, Commercial and Production.

Alternative B- No Impact

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.

Alternative A- This project has the potential to create jobs with further development possibilities.

Alternative B- No Impact

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.

Alternative A- The project should generate increased tax revenue, the amount is unknown at this time.

Alternative B- No Impact

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

Alternative A- No Significant Impact

Alternative B- No impact

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.

Alternative A- No Significant Impact

Alternative B- No Impact

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.

Alternative A- The active mining area is currently under a recreational use closure to provide for public safety.

Alternative B- No Impact

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.

Alternative A- No Significant Impact

Alternative B- No Impact

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

Alternative A- No Significant Impact

Alternative B- No Impact

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Alternative A- No Significant Impact

Alternative B- No Impact

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.

Alternative A- There would be the sale of 991,405 cubic yards of scoria at a set rate of \$1.00 per yard. This would generate \$991,405 more or less for the school trust. Revenue through the issuance of a small volume timber permit would also be realized the amount of which is not known at this time.

Alternative B- Potential revenue for the School Trust would not be captured

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V. FINDING

25. ALTERNATIVE SELECTED:

Alternative A

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The proposed scoria pit expansion and addition of a second pit of approximately 24 acres total should not result in nor cause significant environmental impacts. The predicted environmental impacts should be adequately mitigated through the Eastern Land Office and DEQ open pit mining project stipulations, reclamation bonds and surface and minerals management rules. For these reasons an environmental assessment checklist is the appropriate level of analysis for the proposed action. The proposed mining pit would satisfy the trust fiduciary mandate.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Marc Aberg
	Title: Eastern Land Office Lands Program Manager
Signature: /S/ Marc A. Aberg	Date: 10-20-2011