CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Oftedal Gravel Pit Access Road Land Use License #6208
Proposed Implementation Date:	Winter 2012/Spring 2013
Proponent:	Oftedal Construction
Location:	SW¼ of Section 16, Township 11 North, Range 31 East (Common Schools Trust)
County:	Musselshell County

I. TYPE AND PURPOSE OF ACTION

The Proponent has applied to the DNRC Southern Land Office (SLO) for a Land Use License to permit the use of an existing gravel road to access private land located in the NW¼ of Section 16-T11N-R31E where a new gravel pit is proposed. The road across the Trust land connects the private land with Bridge Road, which bisects the Trust land from west to east and crosses the Musselshell River. Bridge Road connects with State Highway 500 (Mosby Road) that is approximately 0.02 of a mile west of the project road. The road length on the state is approximately 850' and is illustrated on attached "Exhibit A". The proponent does not have immediate plans to mine gravel from the private land, but needs to have access perfected before a mining permit can be issued by the Department of Environmental Quality.

II. PROJECT DEVELOPMENT

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

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

No formal public scoping was performed by the Southern Land Office (SLO) for the proposed project. The state grazing lessee, Big Rock Ranch, Inc., was contacted by Oftedal Construction and has signed a Settlement of Damages form.

The road was inspected on 5 October 2012 by Gary Brandenburg, SLO Land Use Specialist and Jeff Bollman, SLO Land Use Planner.

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

The road will be used to access a new gravel pit that will is permitted through the Montana Department of Environmental Quality.

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Approve the issuance of a Land Use License to allow the use of an existing gravel road by Oftedal Construction on State Trust land described as the SW¼ of Section 16-T11N-R31E in Musselshell County to access a new gravel pit on adjoining private land.

No Action Alternative: Deny the request by Oftedal Construction to utilize an existing gravel road on state Trust land to access a new gravel pit on adjoining private land.

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.

All proposed project activities would occur on the existing gravel road. Installation and maintenance of any necessary drainage and erosion control features by the proponent would be required, in addition to adding gravel to the road as needed due to truck traffic. No significant adverse impacts to geology and soils are expected by implementing the proposed alternative.

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 existing gravel road is located on a bench above the Musselshell River and is ¼ to ½ mile west of the river. Due to the distance of the existing road from the water features and the stipulation requiring the proponent to install and maintain any necessary drainage or erosion control features on the road, no significant adverse impacts to water quality or quantity are expected by implementing the proposed alternative.

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.

There would be some airborne particulates from increased traffic on the existing gravel road from both dust and emissions. Due to the relatively remote location of the proposed project area and distance to any residences, no significant adverse impacts are expected by implementing the proposed alternative.

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.

All proposed project activities would remain within the current gravel road footprint and minimal vegetative disturbance is expected. No significant impacts to vegetation cover, quantity or quality are expected by implementing the proposed alternative.

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 this area. Due to the use being restricted to the existing gravel road, no significant impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

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.

A proposed project area search of the Montana Natural Heritage Program database identified seven vertebrate animals and two vascular plants that are listed as a species of concern or threatened species: Greater sage-grouse, Sage Thrasher, Loggerhead Shrike, Brewer's sparrow, Sauger, Black-tailed Prairie Dog and Spiny Softshell.

Greater sage-grouse have been observed around the proposed project area. The closest lek identified was over two miles southwest of the subject road. The property does contain sagebrush; however, the existing gravel road is less than 0.02 of a mile from a state highway, so the suitability of this site for nesting is low. No significant impacts are anticipated.

Sage thrasher is listed as a species of concern and has been observed approximately two miles south of the proposed project area and may inhabit the Trust land. Due to the proposed activities being limited to using only an existing road, no significant impacts are anticipated.

Loggerhead Shrike and **Brewer's sparrow** are listed as a species of concern and has been observed in the general area around the proposed project. Due to the proposed project activities using an existing road, minimal impacts are anticipated.

Sauger is listed as a species of concern and exists within the Musselshell River that is east of the proposed project area. The proposed project is located on a bench ½-mile west of the Musselshell River; therefore no significant impacts are anticipated.

Black-tailed Prairie Dog is listed as a species of concern and multiple towns have been identified north, east and south of the project site. Since the proposed project area does not contain an active town, no significant impacts to the black-tailed prairie dog are expected.

Spiny Softshell is listed as a sensitive species. Their habitat consists of rivers and river impoundments and they may occupy areas in or around the Musselshell River which is located approximately ½-mile east of the proposed project area. No significant impacts to spiny softshell are expected by implementing the proposed action.

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10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

There are no cultural resources known to exist within the proposed project area. Additionally, when SLO staff visited the site in October, a visual survey of the project area was conducted and no cultural features were noted in the proposed project area. No significant adverse impacts to historical and archaeological sites are expected by implementing the proposed alternative.

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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.

The proposed project activities would be restricted to use of an existing gravel road. The proposed project area is located east of a state highway and north of a county road, so it will not be out of place. No significant adverse impacts to aesthetics are expected by implementing the proposed alternative.

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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.

No significant adverse impacts to environmental resources of land, water, air or energy are expected as a result of implementing the proposed alternative.

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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.

There are no other known state or federal environmental reviews taking place on the subject state land.

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.

No significant adverse impacts to human health and safety are expected to occur as a result of implementing the proposed alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:
Identify how the project would add to or alter these activities.

No significant adverse impacts to industrial, commercial and agricultural activities and production are expected to occur as a result of implementing the proposed alternative.

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.

The proposed action is not expected to have a significant impact on the quantity and distribution of employment.

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.

The proposed action and the nature of the activity is not expected to have a significant positive or negative impact to the local or state tax base.

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

The implementation of the proposed alternative is not expected to generate a significant increase in the demand for services provided by Musselshell County.

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.

Implementation of the proposed alternative will not conflict with any locally adopted plans.

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.

Persons possessing a valid state lands recreational use license may conduct recreational activities on the subject Trust land and it does have legal public access from the state highway via Bridge Road. The portion of Trust land where the project is located does not likely get much recreational use due to its proximity to the state highway and county road along with the location of an existing electric substation and oil field storage yard in the same area. The proposed project is not expected to have a significant adverse impact on access and quality of recreational activities.

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.

No significant adverse impacts to density and distribution of population and housing are expected to occur as a result of implementing the proposed alternative.

22. SOCIAL STRUCTURES AND MORES:
Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:
How would the action affect any unique quality of the area?

The proposed alternative would not directly impact cultural uniqueness or diversity.

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 alternative to issue a Land Use License for road use would provide a $25 application fee and an annual payment of $500 to the Common Schools Trust.

EA Checklist Prepared By:	**Name:**	Jeff Bollman	**Date:**	7 November 2012
	Title:	Southern Land Office Area Planner		

V. FINDING

25. ALTERNATIVE SELECTED:

After reviewing the Environmental Assessment, the proposed alternative has been selected and it is recommended that a Land Use License be issued to permit the use of the existing road as shown on Exhibit A to access private land in the NW¼ of the subject section as a haul road for a new gravel pit. The proposed alternative can be implemented in a manner that is consistent with the long-term sustainable natural resource management of the area while also generating revenue for the common school trust.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant impacts from the proposed action is minimal based on the type of action proposed, the use of an existing gravel access road and no additional construction is planned. All identified potential impacts will be avoided or minimized by utilizing the mitigations listed below and no significant impacts are expected to occur as a result of implementing the proposed alternative.

The mitigation measures that will be required by the issuance of the Land Use License include:

1. All vehicle traffic must stay on the permitted existing gravel road (see Exhibit A).

2. The Licensee shall be responsible for maintenance of the road due to their use including placement of gravel and grading so that it retains a useable all weather surface road, in addition to installing any needed drainage or erosion control features.
3. The road shall only be used for access to a gravel pit in the NW¼ of Section 16, Township 11 North, Range 31 East. Any other use of the road requires prior written approval by the Southern Land Office and may necessitate amending the Land Use License.
4. The Licensee shall be responsible for replacing the existing gate on the south end of the road, near its intersection with Bridge Road, with a cattle guard. The gate may remain with written approval from the state grazing lessee and Southern Land Office.
5. Adequate drainage and/or erosion control devices/facilities shall be installed and maintained where necessary on the existing road.
6. The Licensee shall be responsible for controlling any noxious weeds introduced by Licensee's activity on state Trust land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the subject section.
7. The road will not be widened beyond its existing footprint without prior written approval of the Southern Land Office.
8. All necessary DEQ permits for the gravel pit must be secured and in good standing to allow road use.

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27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

[ ]	EIS	[ ]	More Detailed EA	[X]	No Further Analysis

EA Checklist Approved By:	**Name:**	Matthew Wolcott
	Title:	Southern Land Office Area Manager
Signature: /s/ Matthew Wolcott	**Date**:	November 9, 2012

Exhibit A – Trust Land and Road Location