# CHECKLIST ENVIRONMENTAL ASSESSMENT

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| **Project Name:** | LUL Application for Moen Builders Inc. |
| **Proposed Implementation Date:** | November, 2013 |
| **Proponent:** | Moen Builders Inc. |
| **Location:** | Section 16, Township 6 South – Range 3 West |
| **County:** | Madison County, MT |

## I. TYPE AND PURPOSE OF ACTION

Proponent has submitted an LUL application to use the existing Herman Gulch Road on state land (approximately 0.6 miles) to access and haul mine rock from the Mapleton Mine in Section 9, Township 6 South – Range 3 West over state land. Approximately 564 yards of mining rock will be hauled over the road, 47 loads of a 12 yard dump truck. The existing road will be repaired with two loads of angular rock to fill in existing ruts and any additional maintenance needs will be completed upon completion of the project to bring it back to current conditions.

## II. PROJECT DEVELOPMENT

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

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

Montana DNRC Archeologist, Patrick Rennie
Madison County Commissioners,
Madison County Planner
Madison County Sanitarian
Dillon Field Office of the BLM
Neighboring Land owners: Mathew Stiles, Addie Stiles, Carmen Axtell, Ron & Betsy Lane, Diamond Cattle Co., John Michael & Lorile Driscoll, Dan & Darcie Stroud

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

Moen Builders is working with The Dillon Field Office of the BLM to cross BLM lands as well.

### 3. ALTERNATIVES CONSIDERED:

**Action Alternative**: Grant proponent an LUL to haul mine tailings across state land on the existing Herman Gulch road in Section 16, Township 6 South – Range 3 West in Madison County.

**No Action Alternative**: Deny proponent an LUL to haul mine tailings across state land on the existing Herman Gulch road in Section 16, Township 6 South – Range 3 West in Madison County.

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## 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 NRCS soil survey identifies the soils at this location as Varney Clay Loam. The soils are usually found in alluvial fans, hills and fan terraces. These soils have a land capability classification of 4e. The typical profile is 0 to 5 inches Clay loam, 5-16 inches Gravelly clay loam, 16 to 48 inches, Gravelly sandy clay loam and 48 to 60 inches Stratified gravelly loamy sand to loam. These soils are generally well drained; don't hold moisture on the surface which reduces the amount of erosion activity due to runoff events. The surface is slippery when wet due to the amount of clay in the top portion of the soil. No long term or cumulative impacts are expected from the issuing of an LUL to haul mine tailings over an existing road.

If this LUL is granted the existing portion of the Herman Gulch road will need to have some reconstruction work done to it to prevent any further erosion from occurring. Proponent has agreed to fill in the existing ruts in the road with angular rock.

Although the Herman Gulch road is not a County Road it is considered a public road and the public uses the road, especially during the hunting season. The state has no budget for road maintenance so damage to the road by the public will not be fixed by the MT DNRC and will be the sole responsibility of the LUL holder.

### 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.*

Herman Gulch road is an existing road that is located in a dry draw near Nevada City. The drainage does not deliver any water to Alder Gulch on a regular basis. In extreme conditions the draw may have some water flow for short periods of time. Issuing the easement would not harm water quality in the Nevada City area. No long term or cumulative effects to water quality are anticipated through the issuing of this LUL.

### 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.*

This project should have little or no impact on air quality in and around Nevada City. The construction and reconstruction of a road will be of short duration and no air quality problems are anticipated. No long term or cumulative effects to ambient air quality standards in the area are anticipated.

### 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 current vegetation is native bunch grasses and sage brush. An NRIS search didn't reveal any rare plants or cover types identified in this area. Any ground disturbance will require the planting of native grass seed on disturbed areas. No long term or cumulative impacts are anticipated from this proposal.

**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.*

An NRIS search of this location didn't identify any threatened or endangered species occurring within the proposal area. The proposal is located near MT Highway 278 and has traffic from the towns of Nevada and Virginia City accessing the transfer station on a gravel road near the proposal. Herman Gulch road receives some traffic during the year and moderate use during the hunting season. The area supports small mammal and bird use, however due to the location of the highway this is not considered prime wildlife or bird habitat. No long term or cumulative impacts to wildlife habitat would occur due to this proposal.

**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.*

Although no threatened or endangered species or habitat are identified in the proposal location, the state section does have activity or has the potential for use by the following species; gray wolf, Brewer's sparrow, wolverine, and pygmy rabbit.

**Gray Wolf (Canus Lupus)** Wolves are distributed throughout Southwest Montana. The project would not have any measurable effect on wolf prey or wolves, thus direct, indirect, or cumulative effects are not anticipated.

**Brewer's Sparrow** (Spizella breweri) – Brewer's sparrow is a BLM sensitive species. Per Montana Natural Resource Information Service (NRIS), the species prefers nesting in sagebrush averaging 16 inches in height. The birds may use the area during certain times of the year. The proposed project would not significantly alter the current vegetative community and the proposal should not alter the vegetation permanently or lead to negative cumulative effects on Brewer's sparrow populations in this area.

**Wolverine** (Gulo gulo) – Wolverines are listed as sensitive by both the BLM and USFS. Per Montana Natural Resource Information Service (NRIS) wolverines have been seen within ½ mile of the proposed site. This proposal however, has a small foot print and is located by an existing state highway and homestead which are not considered prime wolverine habitat. Because of this no long term or cumulative impacts to wolverines are anticipated from this proposal.

**Pygmy Rabbit (Brachylagus idahoensis**) Pygmy Rabbit's have been sited within ½ mile north of the proposed project area. The project would not affect the rabbits habitat because no of road use will occur. The overall impact to the species from this proposal would be minimal. Because of this no long term or cumulative impacts are anticipated.

**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**
*Identify and determine effects to historical, archaeological or paleontological resources.*

Patrick Rennie MT DNRC Archeologist was contacted about this proposal and the following response about the proposal was received from Patrick; "Because past cultural resource inventory work has occurred near and partially within the area of potential effected LUL request, with negative results, I see no cultural resource concerns".

**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.*

This project proposal will be of short duration and should not affect the overall aesthetics of the surrounding area.

**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.*

The list of current easements and Land Use Licenses that have been granted on the section are listed below.

**Easements**

D-09362 NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY Non-Exclusive Overhead Power Distribution 10/19/1992
D-10631 NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY Non-Exclusive Overhead Power Distribution 04/18/2003
D-10728 VIRGINIA CITY, CITY OF Non-Exclusive Municipal Water/Sewer 07/15/2003
D-10818 VIRGINIA CITY, CITY OF Non-Exclusive Municipal Water/Sewer 08/07/2003
D-10840 TOWN OF VIRGINIA CITY Non-Exclusive Overhead Power Distribution 09/19/2003
TOWN OF VIRGINIA CITY Non-Exclusive Municipal Water/Sewer
D-02587 DEPT OF TRANSPORTATION Non-Exclusive Easement / Right of way 11/04/1941
D-03092 NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY Non-Exclusive Easement / Right of way 09/14/1949
D-07934 NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY Non-Exclusive Easement / Right of way 01/04/1983

**Land Use Licenses**

License - Industrial Active LANE, RON & BETSY 02/28/2012 (performing a perk test)
License - Industrial Active LANE, RON & BETSY 10/21/2021 (alternative Drain field license)
License - Developed Recreation Active BUFFALO RUNNERS 02/28/2017 (annual Black Powder Shoot)
License - Rural Industrial Active MADISON COUNTY SOLID WASTE DEPT 02/28/2019 (Debris Transfer Station)

The section is already encumbered with a number of easements and Land Use Licenses. Another LUL of short duration should not affect the overall environmental resources of the area.

**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.*

No other plans or projects were identified during the scoping process for this section.

## 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.*

There is an active Land Use License for an Annual Black Powder Shoot on the section. The shoot occurs to the east of where this LUL is proposed. There could be a conflict if the ore was being hauled over the Herman

Gulch road at the same time as the shoot is taking place. The Black Powder Shoot usually occurs around the fourth of July. If the license is issued to haul the ore over the Herman Gulch road it will need to state that no ore can be hauled during the Black Powder Shoot.

The other safety concern that was considered is access on to Highway 278 from the Herman Gulch road. The sight distances in both directions of Herman Gulch should not present any additional safety risks for people traveling on the highway or entering the highway from Herman Gulch Road due to good site distance in both directions. As a precaution however the LUL should also require proper signage as to Truck traffic entering the road.

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

The granting of an LUL will not affect commercial and agricultural activities or production in the area.

**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.*

N.A.

**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 hauling of ore from the site will generate a small amount of state and county tax revenue.

**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.*

No additional demand of government services are anticipated if this license is issued.

**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.*

There aren't any zoning regulations applicable in this area.

**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 granting of this proposed license will not affect recreational activities in the Nevada City area.

**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 additional housing or distribution of population is anticipated from issuing this license.

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

The granting of this license will not alter the traditional lifestyle or communities in the Nevada City area.

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

Granting the license will not affect the cultural uniqueness and diversity of the area.

**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 granting of this easement would generate approximately $200.00 for the trust.

| **EA Checklist Prepared By**: | **Name:** Timothy Egan | **Date:** 11/4/13 |
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| | **Title:** Dillon Unit Manager | |

## V. FINDING

**25. ALTERNATIVE SELECTED:**

**Action Alternative**

**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

The completion of the EA checklist did not identify impacts that could not be reasonable mitigated.

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

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

| **EA Checklist Approved By**: | **Name:** Hoyt Richards |
|---|---|
| | **Title:** Area Manager, Central Land Office |
| **Signature:** /s/ | **Date**: 11/12/2013 |