

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Westmoreland Rosebud Mining LLC Road Use LUL
Proposed Implementation Date:	2020
Proponent:	Westmoreland Rosebud Mining LLC
Location:	T1N-R40E-Sec 36
County:	Rosebud County

I. TYPE AND PURPOSE OF ACTION

Westmoreland Rosebud Mining LLC (Henceforth referred to as proponent) has requested a temporary access road use land use license from the DNRC Eastern Land Office. This license would be for access to existing and future coal mine operations on adjoining tracts. The proponent proposes utilizing the existing roads and trails located on this tract. These roads may need some amount of improvement or gravel surfacing. Total requested road use is approximately 1.4 miles.

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 filed an application DS-401 for a land use license to utilize existing roads and trails on the specific tract of State Trust Land mentioned above.

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

None

3. ALTERNATIVES CONSIDERED:

Alternative A: Allow temporary use of existing trails requested through issuance of a land use license
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: Minimal disturbance should occur to the soils in this area as the road use requested is already being used by surface lessees and licensees. Some blading and gravelling may be required to make the roads passible in all weather conditions. Soils in the area of requested use are stable.

Alternative B: No Impact

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: No impact expected

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: Minimal amounts of fugitive dust from increased vehicle traffic may be expected from occasional use of the road.

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 impacts should be minimal. Any disturbance would come from occasional blading of the road. There are no rare plants or cover types in the project area.

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 very minimal effects on any animal habitats within the boundaries of the project construction. Wildlife that inhabit the project area include antelope, deer, elk, coyotes, rodents, reptiles, migratory and prairie birds. Any disturbance to wildlife near this road use should be minimal as the road is currently used as access by the surface lessee.

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- A search of the Montana Natural Heritage Program Database has noted 3 species of concern noted within the general project area. None of these species were noted during a field review of the project. Impacts to these species if present should be minimal and temporary in nature.

Brewers Sparrow- *Spizella breweri*

Golden Eagle - *Aquila chrysaetos*

Great Plains Toad - *Anaxyrus cognatus*

This project located within general Sage Grouse General Habitat. The Montana Sage Grouse Habitat Conservation Program has issued a consultation letter on the project (Project #2750). The proponent will implement this consultation into their project plan of development

Alternative B: No Impact

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Alternative A: A Class III cultural and paleontological resources inventory was conducted of the area of potential effect on state land. One cultural resource, a lithic scatter assigned Smithsonian Trinomial 24RB2283, is partially within the project's area of potential effect. Because the archaeological resource has been determined ineligible for listing in the National Register of Historic Places, no additional archaeological investigative work or site avoidance is needed. The proposed development will have *No Effect to Antiquities* as defined under the Montana State Antiquities Act. A formal report of findings is on file with the DNRC and the Montana State Historic Preservation Officer.

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: No significant impact area of use is not visible from populated areas or transportation routes.

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: No Significant Impact

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.

Alternative A: No Impact

Alternative B: No Impact

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.

Alternative A: No significant impact expected.

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: A positive effect to industrial and commercial activities could be expected. Impact to agricultural activities should be neutral.

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: The project associated with this proposed land use license may have the potential potential to create jobs. The amount of which is unknown.

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: No Impact

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 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 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: No Significant Impact

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 Impact

Alternative B: No Impact

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

Alternative A: No Impact

Alternative B: No Impact

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Alternative A: No 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: Temporary road use would require the issuance of a 10-Year Land Use License the price of which will be set at \$3000.00

Alternative B: No Impact

EA Checklist Prepared By:	Name: Scott Aye	Date: 12-24-2019
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V. FINDING

25. ALTERNATIVE SELECTED:

Alternative A

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The granting of the requested land use license upon state owned trust lands for the proposed road use should not result in nor cause significant environmental impacts. The predicted environmental impacts have been identified and mitigation measures addressed in the EA checklist. The proposed action satisfies the trusts fiduciary mandate and ensures the long-term productivity of the land. An environmental assessment checklist is the appropriate level of analysis for the proposed action

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Chris Pileski
	Title: ELO Area Manager
Signature: 	Date: 12/26/19