

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Double R Temporary Road Use Land Use License #6278
Proposed Implementation Date:	Summer 2020
Proponent:	Double R, Inc.
Location:	Sections 18 and 20, Township 1 North, Range 25 East (Common Schools Trust)
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

The Proponent, Double R, Inc., has applied to the DNRC Southern Land Office (SLO) for a Land Use License to permit the temporary use of an existing two-track road system to access the Burlington Northern Santa Fe (BNSF) railroad tunnel that is located on Section 18. Double R is the general contractor for a project that would fix a drainage issue at the tunnel mouth that currently results in standing water and in the winter, ice. BNSF has a 200' wide pre-existing easement for the railroad on Section 18 and all of the work would take place within this right-of-way. The road use would only be for access for equipment and support vehicles that cannot arrive via the railroad. The entire route is illustrated on attached "Exhibit A". The access is requested for an excavator, two dump trucks and other support vehicles.

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 this proposed project. The state grazing lessee, Dennis Rehberg, was contacted by Double R and has signed a Settlement of Damages form.

The route was inspected on 9 July 2020 by Jeff Bollman, Southern Land Office Area Manager.

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

None.

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Approve the issuance of a Land Use License to allow temporary use of an existing two-track road system by Double R, Inc. on State Trust land described as Sections 18 and 20-T1N-R25E in Yellowstone County. The temporary access would provide access to the BNSF tunnel mouth from Highway 3 and to make repairs to the tunnel mouth.

No Action Alternative: Deny the request by Double R, Inc. to utilize an existing two-track road system on state Trust lands to access the BNSF railroad tunnel.

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 route would utilize an existing two-track road system, with a short stretch of cross-country travel needed to access the BNSF right-of-way. The Licensee would be responsible for restoring any damage to the road or surface due to their road use. No significant adverse impacts are anticipated 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.

There are not any surface water ponds or streams in the immediate area or along the proposed access route; therefore, no significant adverse impacts to water quality, quantity and distribution are anticipated.

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 short-term airborne particulates from increased traffic on the existing two-track road and emissions from the construction equipment. Due to the relatively short duration of the project, no significant adverse impacts 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 temporary access route is on an existing two-track road, with a short stretch of cross-country travel required to reach the BNSF right-of-way. The vegetation density along the road varies. In Section 20, the two-track goes through a prairie dog town and there is minimal vegetation. Once outside the town, the vegetation is more robust. The Licensee will be responsible for restoring any damage to the road or surface after the project is completed. No significant adverse 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 potentially use this area. Due to the use generally being restricted to the existing 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 eight vertebrate animals that are listed as a species of concern or threatened species: Western Milksnake, Pinyon Jay, Black-tailed Prairie Dog, Spotted Bat, Hoary Bat, Plains Hog-nosed Snake, Greater Sage-grouse and Townsend's Big-eared Bat.

The activity requested in the License is to utilize an existing two-track road for a short-term construction project. Based on the species identified, it is not expected that the proposed action would have a significant adverse impact on any of the species due to the scope and duration of the project.

Both Section 18 and 20 are located in Greater Sage-grouse General Habitat. The proposed activity of utilizing an existing two-track road does not require consultation with the Sage Grouse Habitat Conservation Program.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

There are identified cultural resources near a portion of the two-track road in Section 20. No ground disturbance is proposed with this project and the area previously surveyed will be monitored if there is any surface damage that requires reclamation from the road use. No significant adverse impacts to historical and archaeological sites are expected by implementing the proposed alternative.

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 the use of the existing two-track road system in order to access BNSF right-of-way. No significant adverse impacts to aesthetics are expected by implementing the proposed alternative.

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 impacts to environmental resources of land, water, air or energy are expected as a result of implementing the proposed alternative.

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.

Yellowstone Valley Electric has an easement on Section 18 for an existing overhead power line. They will be applying to amend this easement and relocate it to allow for a new service for BNSF. This amended easement would need to be approved by the Land Board.

<p style="text-align: center;">IV. IMPACTS ON THE HUMAN POPULATION</p>

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| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> |
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14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The project proposed by BNSF would improve water drainage at the tunnel mouth, which causes safety concerns in the winter when it freezes into ice. 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 any additional demands on services provided by Yellowstone 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 tract which does have legal and physical access from multiple points. The proposed project would not affect the existing access for the general public, however, the traffic could have a minor temporary impact on recreational use from the increased use of the two-track.

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 a one-time payment of \$300 to the Common Schools Trust for the approximate 1.5 months of the LUL duration.

EA Checklist Prepared By:	Name: Jeff Bollman	Date: 31 July 2020
	Title: Southern Land Office Area Manager	

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 Double R, Inc. to permit the temporary use of an existing two-track road system to access the BNSF tunnel on Section 18, T1N, R25E. The work is proposed to occur entirely within the 200' wide BNSF right-of-way and no surface disturbance is anticipated on the Trust land. 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, relatively short duration of the road use and the fact that the road to be used is an existing two-track and no additional road construction is planned. All identified potential impacts will be avoided or minimized by utilizing the mitigations listed below and no significant adverse impacts are expected to occur as a result of implementing the proposed alternative.

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

1. All vehicle traffic must stay on the permitted road.
2. The road shall only be used for access to the existing BNSF tunnel mouth located on Section 18 and shall follow the alignment shown on Exhibit A.
3. Vehicles permitted under this License are only for the Licensee and their subcontractors. Any other users are required to get separate DNRC authorization to utilize the road.
4. Licensee shall have equipment on site to extinguish any fires caused by vehicles, equipment and/or personnel related to the project. Licensee shall also comply with any Fire Restrictions issued by the DNRC. Any wildfire caused by the Licensee and that escapes the Licensee's control, shall be the responsibility of the Licensee and the DNRC reserves the right to bill the Licensee for the cost of fire suppression and property damage for the entire incident.
5. Licensee shall not stockpile or otherwise place any material from the construction project outside of the BNSF right-of-way without prior DNRC approval.
6. All vehicles, particularly the undercarriage, must be washed prior to entering the tract to ensure removal of dirt and plant material and weed seeds.

- 7. The Licensee shall be responsible for controlling any noxious weeds introduced by Licensee's activity on state Trust land.
- 8. The Licensee shall secure permission to cross Section 19. This License **does not** convey any right to utilize the two-track road on Section 19 without the permission of the landowners.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

EA Checklist Approved By:	Name: Jeff Hermanns
	Title: Southern Land Office Area Forester
Signature: /s/ Jeffrey Hermanns	
Date: 8/13/20	

Exhibit A – Proposed Temporary Access Route

