

## CHECKLIST ENVIRONMENTAL ASSESSMENT

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| <b>Project Name:</b>                 | Ragged Point Road Detour Land Use License #6239                     |
| <b>Proposed Implementation Date:</b> | September 1, 2015   |
| <b>Proponent:</b>                    | Musselshell County Road Department                                  |
| <b>Location:</b>                     | Section 12, Township 10 North, Range 29 East (Common Schools Trust) |
| <b>County:</b>                       | Musselshell County  |

### I. TYPE AND PURPOSE OF ACTION

The Musselshell County Road Department has applied to the DNRC Southern Land Office (SLO) for a Land Use License to permit the construction of a temporary one lane road and 36" culvert to facilitate the installation of a new bridge across North Willow Creek on Ragged Point Road. The existing culverts on Ragged Point Road at this location have been washed out multiple times, requiring the County to make emergency repairs. The most recent culverts failed and the road is now limited to a temporary one lane crossing with a small culvert. The temporary detour road is expected to be needed for approximately 6 weeks and will allow the contractor to install the new bridge without worrying about thru traffic. Additionally, this will allow Ragged Point Road to remain open to the public and allow access to lands further north, that do not have any other practical access. The temporary road is approximately ±880' long and will disturb ±0.3 acres. Once the new bridge is installed and opened to traffic, the temporary detour route will be closed and reclaimed.

### 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, Hougen Land, Inc., was contacted by the County and has signed a Settlement of Damages form.

The proposed temporary road route was inspected on 17 August 2015 by Jeff Bollman, Southern Land Office Area Planner.

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

A 310 Permit is required from the Lower Musselshell Conservation District.

**3. ALTERNATIVES CONSIDERED:**

**Proposed Alternative:** Approve the issuance of a Land Use License to allow the construction of a temporary one lane detour road by the Musselshell County Road Department on State Trust land described as Section 12-T10N-R29E in Musselshell County.

**No Action Alternative:** Deny the request by the Musselshell County Road Department to issue a Land Use License to allow the construction of a temporary one lane detour road.

### 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 proposed temporary detour road would be located near the east section line in the SE¼NE¼ and would go west into the Trust land to cross North Willow Creek (see attached Exhibit A). According to the NRCS Soil Survey, the license area consists of mainly of varieties of silty clays and sandy loams. The topography of the license area is slightly rolling with the south bank of North Willow Creek having a fairly steep bank. A location for the temporary road was found on the south bank that appears to have been a previous cut location and this will help limit the amount of disturbance required on the State. In addition, the far north end of the temporary road will be located on what appears to be an old dam, so it is already built up above the creek bottom. The Licensee would be responsible for reclaiming and restoring any damage to the surface after the temporary road is no longer needed. No significant long term adverse impacts to geology and soil quality, stability and moisture are expected from implementing the proposed action.

#### 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 proposed temporary detour road will cross North Willow Creek and the proponent will install a 36" culvert at the crossing of the creek. This will allow for the new bridge to be installed without any access disruption to lands to the north of the site, which do not have other improved access. In addition, the County has made several attempts at culvert sizing and placement at this site and they have all been washed out. The new bridge will eliminate this degradation to water and reduce the need to disturb the creek bottom in the future. No significant long-term 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 particulate emission from the heavy construction equipment used to build the temporary road and install the new bridge. Due to the relatively short duration of the project, ±6 weeks, and remote location of the project, no significant long-term 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.*

Implementation of the proposed action will allow the construction of a ±880' long temporary one lane road on the Trust land which will result in a temporary loss of vegetation. One condition of the License will be the requirement of the County to rehab the disturbed area and re-seed with a mix provided by the SLO. No significant long term adverse impacts to vegetation cover, quantity or quality are expected by implementing the proposed alternative.

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## 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 (antelope), small mammals, raptors, songbirds and grouse potentially use this area. The route proposed for the temporary road is near the existing county road and will result in a new temporary crossing of North Willow Creek. At the time of the site inspection on 8/17/15, there was no water flowing in the creek. The proposed road location is located in Sage Grouse Core area; however, the closest Confirmed Active lek is approximately 2.9 miles away. A stipulation will be added to the License that will restrict activity from March 15- July 15. Due to the use being proposed and its proximity to the existing county road, no significant long-term impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

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## 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 three vertebrate animals that are listed as a species of concern or threatened species: Golden Eagle, Greater sage-grouse and Black-tailed Prairie Dog.

**Golden Eagles** have been observed in the general area, approximately 2 miles west of the proposed project area. The area included within the License does not contain suitable nesting habitat and no nests were noted during the site visit. However, the area could be used for foraging. Due to the short duration and timing of the proposed project activities, no significant long-term adverse impacts are anticipated.

**Greater sage-grouse** have been observed in the vicinity of the proposed project area, one confirmed lek is located  $\pm 3$  miles from the project site. The project area is also located within sage grouse core habitat, but the site itself does not have abundant sage and due to the proximity of the existing county road, is not likely to be used for nesting or lekking. A restriction on seasonal activity will be included as a condition of the License. The bridge construction work will occur outside of breeding season; however the ground rehab could conflict with seasonal use restrictions from March 15 – July 15. A condition will be added to the LUL that will prohibit work between those dates. Based on the proposal and conditions, no significant long-term adverse impacts are anticipated.

**Black-tailed Prairie Dog** is listed as a species of concern and towns have been identified approximately 1 mile west and 1 mile east of the project site. Since the proposed project area does not contain an active town, no significant adverse impacts to the black-tailed prairie dog are expected.

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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 August 2015, 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 would consist of constructing a temporary one lane detour road near an existing county road. The project is expected to last six weeks and depending on the weather conditions and sage grouse use restrictions, the rehab of the temporary road could take place sometime between this winter and next fall. The

proposed project area is located in a relatively remote area and is not visible from any populated areas and there are no residences nearby. 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 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 in the subject area.

| IV. IMPACTS ON THE HUMAN POPULATION |
|-------------------------------------|
|-------------------------------------|

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

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**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.

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**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.

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**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.

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**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 Musselshell County.

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**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.

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**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 since it adjoins a county road. The timing of the project could interfere with early archery season, but there are other accessible Trust lands in this immediate area that could be used as alternatives. The proposed project will provide a long term benefit to recreational users and landowners in this area by providing for a stable creek crossing that should not experience problems during with high water.

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**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.

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**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.

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**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.

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**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 rental payment of \$200 to the Common Schools Trust.

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| <b>EA Checklist<br/>Prepared By:</b> | <b>Name:</b> Jeff Bollman                       | <b>Date:</b> 20 August 2015 |
|                                      | <b>Title:</b> 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 for the construction of a temporary one lane road and 36" culvert to allow for the installation of a new bridge across North Willow Creek on Ragged Point Road in Section 12, T10N, R29E. 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 and relatively short duration of the temporary road use. 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 with the issuance of the Land Use License include:

1. All vehicle traffic must stay on the permitted temporary detour road (see Exhibit A).
2. 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. Additionally, the Licensee will be required to monitor and control weeds during the License period and for two years after termination of License.
3. The Licensee shall be responsible for reclaiming the temporary road including: regrading temporary road to the original grade and re-seeding with a seed mix approved by the Southern Land Office (SLO).
4. In order to comply with the Governor's Executive Order on Sage Grouse, the Licensee shall not conduct any site work or reclamation activities from March 15 to July 15, unless prior written permission has been obtained from the SLO.

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

EIS       More Detailed EA       No Further Analysis

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| <b>EA Checklist<br/>Approved By:</b>  | <b>Name:</b> Matthew Wolcott                    |
|                                       | <b>Title:</b> Southern Land Office Area Manager |
| <b>Signature:</b> /s/ Matthew Wolcott | <b>Date:</b> 8/20/15                            |

**Exhibit A – Proposed Detour Road Location**

