

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Nye Gravel Testing
Proposed Implementation Date	Winter 2023
Proponent:	Faction Constructors
Location:	T4S-R15E-Sec 36 (Common Schools Trust) N ¹ / ₂ SW ¹ / ₄
County:	Stillwater

I. TYPE AND PURPOSE OF ACTION

Faction Constructors henceforth referred to as the proponent, has applied for a gravel test permit for the above-referenced tract in Stillwater County. This project would utilize a backhoe to dig holes to a depth of approximately 12-15 feet. Testing and documenting would be performed by employees of Faction Constructors and Trust Lands.

If approved, the proponent would be issued a test permit to determine the gravel resource contained within the above-referenced tract. Gravel and dirt would be excavated from the ground and sub-surface. Topsoil would be saved, and the disturbance created would be backfilled immediately upon completion of logging the test pit.

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 submitted a permit to test for aggregate to the DNRC.

The Southern Land Office Area Manager Jeff Bollman, Area Planner Joe Holzwarth and Land Use Specialist Zach Huyser, have been notified.

The surface lessees of section 36 include Lease #887-Key O, Inc. and Lease #897-Paul R. Cook. Both surface lessees have been notified of testing application.

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

None Known

3. ALTERNATIVES CONSIDERED:

No Action Alternative – The testing permit will be denied by the Department, and testing will not occur.

Action Alternative – The Department will issue a gravel testing permit allowing the proponent to conduct a test hole survey in the analysis area.

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.

Site geology consists of glacial deposits of gravel and boulder deposits. The project area includes four soil types within the project area, these include the following:

- Lolo complex, 0 to 4 percent slopes
- Lolo and Nesda soils, flooded
- Sebud stony loam, 4 to 25 percent slopes
- Sebud stony loam, 25 to 50 percent slopes

These four soils exhibit the following properties:

Shallow excavations – This rating is related to the properties that influence the ease of digging and resistance to sloughing. The stony loams exhibit a very limited rating for shallow excavations while the remaining exhibit a somewhat limited rating.

K factor – All four soils exhibit a low rating for soil-to-sheet and rill erosion from water.

Soil compactibility risk – All four soils exhibit a medium potential for compaction.

Wind erodibility group – All four soils found in the project area exhibit a low risk to wind erosion.

Soil restoration potential – All four soils exhibit a high potential rating for soil restoration.

Soil rutting hazard – Lolo and Nesda soils exhibit a slight rating to soil rutting while the remaining two soils exhibit a severe rating.

No Action Alternative – The current geology and soils in the project area would remain undisturbed, as they currently exist.

Action Alternative – The proponent would be granted a permit to test for gravel. Any disturbances for gravel testing in the area would be filled in, and have topsoil replaced immediately before moving on to the next test site. Each disturbance created by testing would be reseeded with a native mixture as prescribed by the land office and monitored for the introduction of noxious or invasive weeds. Testing would be conducted in areas with mild topography and under mostly dry or frozen conditions. This would mitigate the risk of displacing, compacting, or otherwise impacting the soils beyond the direct areas of testing.

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 West Fork Stillwater River flows from west to east in the north half of section 36, at an approximate elevation of 4900' ASL, the testing areas exist at an approximate elevation of 4920' or higher.

A search of the Montana Ground Water Information Center website found there are 52 water wells within a one-mile radius of section 36, 10 wells are not represented in the table below as they do not have static water level data. Each well is summarized below in table 1, and the location of each well

can be seen on attached map on page 11. Inaccurate reporting, less refined latitude and longitude descriptions, or other errors in the documentation may have led to inconsistencies in the listed and mapped wells, versus the total and correct physical well locations.

GWIC ID	Latitude	Longitude	Elevation	Static Water Level	Static Water Elevation Calculated
7670	45.4347	-109.8088	4840	-0.88	4840.88
101125	45.453667	-109.83504	5191	12	5179
101126	45.454576	-109.833748	5049	10	5039
101127	45.452758	-109.838915	5038	4	5034
101128	45.452758	-109.838915	5038	5	5033
101144	45.441022	-109.811702	4867	12	4855
101172	45.444625	-109.801598	4845	10	4835
101173	45.445539	-109.80289	4845	10	4835
101176	45.442341	-109.803536	4845	9	4836
102648	45.435172	-109.809976	4840	1	4839
102649	45.432899	-109.810616	4810	6	4804
102688	45.431933	-109.804188	4801	5	4796
102691	45.434661	-109.800316	4840	16	4824
102692	45.434661	-109.802897	4820	8	4812
102693	45.4351	-109.8027	4820	23.2	4796.8
102694	45.433751	-109.806769	4838	13	4825
102696	45.4323	-109.8021	4805	6	4799
144467	45.441884	-109.805474	4853	12	4841
154612	45.4564	-109.802753	4922	100	4822
158359	45.4507	-109.8318	4970	10	4960
164272	45.432842	-109.800316	4804	13	4791
165315	45.438229	-109.795138	4816	24	4792
188498	45.453667	-109.83504	5189	10	5179
188503	45.4564	-109.802753	4922	10	4912
188504	45.4564	-109.802753	4922	10	4912
192489	45.432842	-109.800316	4804	14	4790
198611	45.431081	-109.818304	4818	15	4803
223260	45.452758	-109.836332	5042	19	5023
234268	45.452758	-109.838915	5040	8	5032
234559	45.433751	-109.801607	4812	8	4804
248976	45.429567	-109.805083	4856	59	4797
255019	45.435233	-109.797367	4806	18	4788
268070	45.43215	-109.802867	4809	7	4802
268417	45.441022	-109.811702	4867	6	4861
268446	45.443711	-109.80289	4845	14	4831
280295	45.437683	-109.824883	5014	4	5010
281715	45.43485	-109.80205	4820	21	4799
285355	45.439683	-109.814717	4918	22	4896
303261	45.43335	-109.800133	4809	10	4799
312560	45.439558	-109.803817	4851	11	4840
312561	45.444217	-109.805883	4856	19	4837
315292	45.4337	-109.80311	4821	17	4804

Table 1. GWIC wells within a half mile of section 36 area listing surface elevation the well enters the ground, static water level of the well feet below surface, and depth water enters the well.

No Action Alternative – No impact

Action Alternative – The proponent would be granted a permit to test for gravel. Groundwater is not expected to be encountered during testing based upon the relative elevation of the proposed testing area, the depth of digging, and the correlated ground water table from the GWIC data. There would be no anticipated impacts on the quality or quantity of the surface water or groundwater by implementing the action 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.

No Action Alternative – No impact

Action Alternative – Snow cover and dry frozen conditions should eliminate dust particulates as it pertains to traveling from each test hole location. The excavation of each test hole is expected to create some dust that will enter the air. The amount of dust released and the length of release from the implementation of the action alternative is expected to be negligible. There are no anticipated long-term adverse effects on air quality from the proposed action.

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 proposed testing area within section 36 is covered by Montane Grassland system comprised of perennial bunch grasses and forbs, dominated by Rough Fescue. Coexisting with the grassland system is the Shrubland, Steppe and Savanna systems which include Montane Sagebrush Steppe and Big Sagebrush Steppe. These shrublands are dominated by Mountain big sagebrush and Wyoming big sagebrush.

An inventory of the Montana Natural Heritage Program's Species of Concern database was conducted for the project area. The search yielded vegetative species of concern, Wood Lily, "*Lilium philadelphicum*," a native species to Montana having a wide distribution mostly found at elevations below 4,000' ASL.

The search yielded two noxious weeds observed within a half mile of the project area: Spotted Knapweed and Canada Thistle

No Action Alternative – No impact

Action Alternative – Vegetation communities would be affected by this project. The use of excavation equipment would temporarily impact certain areas of the plant community. This would occur from the vegetation being compacted and excavated by equipment. Impacts to the plant community should be lessened at this time of year since most species should be dormant and grasses are covered by snow. No trees would be cut in the proposed action. Per the stipulations of the proposed permit, the proponent would be responsible for the management and mitigation of invasive weeds at the testing sites. The proponent will also be responsible for reseeding the impacted areas with a native range mixture as prescribed by the Southern Land Office.

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.

No Action Alternative – No impact

Action Alternative – The proponent would be granted a permit to test for gravel and impacts to habitats are expected to be negligible.

General Wildlife

Proposed activities would occur in non-forested areas. Existing disturbances to wildlife are present in the project vicinity. Nearby roads, Highway 419, and human residences are all existing human disturbances to wildlife in the area. Some minimal, temporary increases in disturbance to wildlife could be realized with the proposed activities, however no appreciable changes in use would be anticipated. The project area could be used by a variety of wildlife, including white-tailed deer, mule deer, elk, coyotes, and foxes. Given the proximity to Highway 419 and numerous forms of disturbance, and general lack of cover in portions of the project area, any wildlife use would be expected to be quick and likely occur at times when human disturbance is minimal (such as at night). Generally, most of these species would likely only use the area proposed for activities on an intermittent basis and would not be expected to use the area during proposed activities. Wildlife use patterns would be expected to return to existing conditions following the brief impact of the proposed activities. No long-term changes in the overall viability of this area to facilitate wildlife movements would be anticipated. Generally, negligible direct, indirect, or cumulative effects to native wildlife in the project area and ability of the project area to facilitate wildlife movements would be anticipated.

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.

No Action Alternative – No impact

Action Alternative – The proponent would be granted a permit to test for gravel. This activity may create a temporary disruption to the species of concern listed.

Threatened and Endangered Species: The project area is outside of the Yellowstone Grizzly Bear Recovery zone but is within the non-recovery occupied zone. Proximity to Highway 419, and other human developments likely limits habitat quality in the project area; extensive use of the project area by grizzly bears is not likely. Thus, negligible direct, indirect, or cumulative effect to grizzly bears would be anticipated.

Sensitive Species: The project area is in the home range associated with the Stillwater River bald eagle territory. Little or no disturbance to nesting bald eagles would be anticipated given the distance from nests, nest location, presence of Highway 419, and other forms of human disturbance in the vicinity. No changes to available bald eagle habitats would be anticipated. Thus, a low risk of adverse direct, indirect, or cumulative effects to bald eagles would be anticipated with the proposed activities. Other potential sensitive species in the vicinity include hoary bat, peregrine falcon, Golden Eagle, Great Gray Owl, Brewer's Sparrow, Cassin's Finch, Clark's Nutcracker, Veery, Lewis's woodpecker, Sage Thrasher, and Long-Billed Curlews. Minor changes to existing vegetation would occur, thus minor changes in available habitats would occur. Some limited, short-duration disturbance to individuals of any of these species could occur if they are in the vicinity but given the proximity to Highway 419 and several other forms of human disturbance, the potential for affecting these species

would be limited. Due to the timing of proposed activities occurring prior to several of these species potentially returning to the area, thus no potential for disturbance would be anticipated. Habitats for other sensitive species are either not present or would not be affected by the proposed activities. Overall, negligible direct, indirect, or cumulative effects to any of the other potential sensitive species would be anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE, but it should be noted that Class III level inventory work has not been conducted there to date.

No Action Alternative – No impact

Action Alternative – The proponent would be granted a permit to test for gravel. Any resources can be avoided with backhoe trench excavation for gravel exploration and assessment work, the proposed project will result in *No Effect on Antiquities* as defined under the Montana State Antiquities Act.

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.

No Action Alternative – No impact

Action Alternative – The proponent would be granted a permit to test for gravel. The testing area is located approximately 3,000' to the northwest from Nye, MT, in the W¹/₂ of section 36. A minimal disturbance may occur during testing operations to residents or recreationists in the area. However, there are no long-term effects to aesthetics anticipated.

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 Action Alternative – No impact

Action Alternative – The action alternative is not expected to utilize or affect limited resources.

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.

The department administers and maintains two grazing leases on this tract, Lease #887-Key O, Inc. and Lease #897-Paul R. Cook.

No Action Alternative – No Impact

Action Alternative – The action alternative would have minor impacts to the surface lessees on the tract. The action alternative is not expected to affect any future activities on the tract. The disturbance to the ground in the areas tested are expected to be minor and will be reclaimed to their pre-testing

conditions when reclamation is completed. The grazing lessee may choose to file a surface damage form for actual areas impacted by gravel testing, which would be paid by the proponent.

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 Action Alternative – No impact

Action Alternative – Typical safety risks for laborers working with mechanized equipment would be present, but the potential risk would be minimal with proper safety efforts.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Agricultural activity exists on this tract in the form of two grazing leases held by neighboring private landowners.

No Action Alternative – No impact

Action Alternative – The project is not expected to impede existing or future industrial, commercial, or agricultural activities on the W ¹/₂ of section 36. The equipment utilized for gravel testing may be visible from certain parts of the tract. There will be a short-term net loss of vegetation to the grazing lessee's leased area. The grazing lessee may file a surface damage form to recoup the actual monetary damages incurred from gravel testing. The proponent would be responsible for paying surface damages.

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.

No Action Alternative – No impact

Action Alternative – No impacts expected

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.

No Action Alternative – No impact

Action Alternative – No impacts expected

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 Action Alternative – No impact

Action Alternative – Negligible impacts expected

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.

Stillwater County adopted countywide Development Regulation in August of 2021. The regulations specifically exempt state and federal lands from their regulatory requirements.

No Action Alternative – No Impact

Action Alternative – Negligible impacts expected

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.

This tract has public access from Stillwater River Road and Limestone Road.

No Action Alternative – No Impact

Action Alternative – The length and scope of the proposed action is expected to have short-term, negligible effects on the access and quality of recreational activities on this tract. The analysis area is not designated as wilderness, nor does it provide direct access to wilderness areas.

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 Action Alternative – No impact

Action Alternative – No impacts expected

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

No Action Alternative – No impact

Action Alternative – No impacts expected

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

No Action Alternative – No impact

Action Alternative – No impacts expected

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.

No Action Alternative – No impact

Action Alternative – This project will provide the trust with a \$25.00 application fee. The results of testing would determine whether there is a viable resource for a commercial gravel operation. Future uses for the analysis area could include a gravel pit or the continued use of grazing land. There is currently two grazing lessees on the tract, and the action alternative would not significantly affect future grazing in the analysis area.

EA Checklist Prepared By:	Name: Thomas Palin	Date: January 9, 2023
	Title: Mineral Resource Specialist	

V. FINDING

25. ALTERNATIVE SELECTED:

The Action Alternative has been selected and it is recommended that the Minerals Management Bureau issue a gravel test permit on State Trust Land described as Section 36, T4S, R15E in Stillwater County. The permit will include the stipulations listed in the next section of this document.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The granting of the requested aggregate test permit pits on this tract of State Trust Lands is not expected to result in, nor cause significant negative environmental impacts. The proposed action satisfies the Trust's fiduciary mandate and ensures the long-term productivity of the land. An environmental assessment is the appropriate level of analysis for the proposed action.

I conclude that all identified potential impacts will be mitigated by utilizing permit requirements, including the stipulations listed below:

1. The permit holder shall be in compliance with all applicable state and federal laws, rules, and regulations, including but not limited to those concerning safety, environmental protection, reclamation, drone flight requirements for photography and topographic mapping over the site, and sage grouse requirements.
2. Topsoil/sod will be stockpiled separately from subsoil for reclamation. The licensee shall fill holes with subsoil before covering them with topsoil and sod. All holes must be filled and reclaimed immediately prior to moving on to the next hole.
3. The proponent will notify DNRC at least 48 hours in advance of project activities. DNRC will contact and coordinate with DNRC's surface lessees.
4. DNRC will contact and coordinate with DNRC's surface lessees.
5. The department will contact the Lessees at least 24 hours before project activities commence.

6. Geologic, geochemical/geophysical information (including but not limited to detailed sample site locations, areas disturbed by gravel pit testing, and sample results for each corresponding sample site) if collected for the tract will be provided to Minerals Management Bureau, TLMD MT-DNRC with a report on exploration activities. The licensee shall also concurrently provide GPS, GIS, or other data, detailed maps, and/or aerial photos associated with the associated permit to MMB. The licensee should advise the department if they consider this information confidential.
7. The permit holder agrees to avoid and not disturb historic buildings, foundations, or other cultural features on this tract.
8. The proponent will seed disturbances with a Southern Land Office approved seed mix and spread seed by May 1st, documentation of when seeding is completed will be submitted to the Southern Land Office and the Minerals Management Bureau.
 - a. SLO Rangeland Seed Mix

Species	% PLS/Acre
Slender Wheatgrass	10%
Western Wheatgrass	30%
Idaho Fescue	5%
Needle and Thread	15%
Bluebunch Wheatgrass	35%
Prairie Clover	5%

 - Minimum fertilizer rate shall be 1 to 3-parts fertilizer to 1-part seed.
 - If a specific seed species listed above is unavailable a similar species may be used in its place if it is a Montana native.

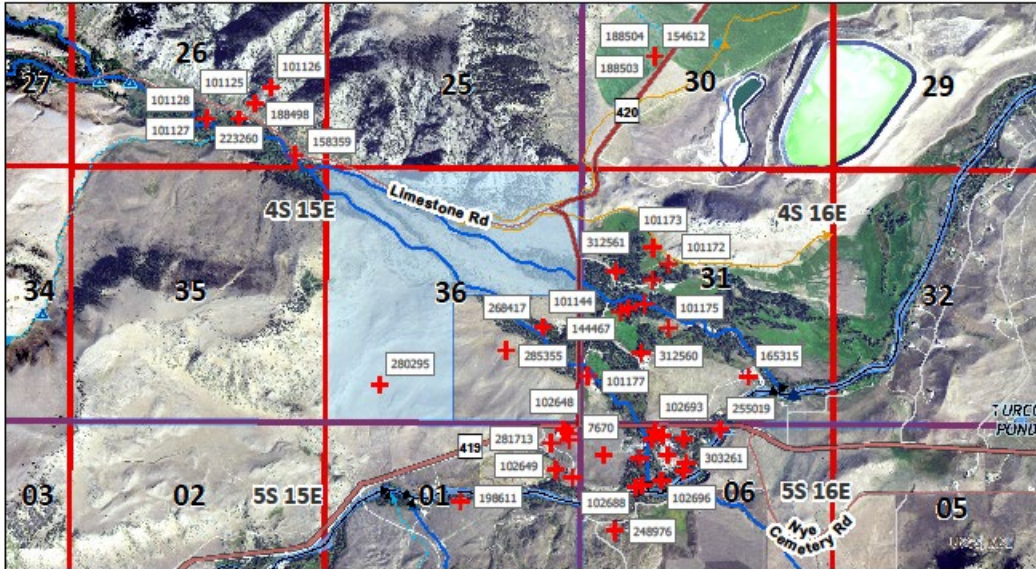
-No Crested Wheatgrass
9. The proponent will be responsible for the mitigation of weeds introduced resulting from testing. The proponent will inspect the areas to be tested for noxious weeds prior to digging and will avoid the spreading of weeds by checking equipment before and after testing. Monitoring of testing disturbances will continue for two growing seasons.
10. Any damages to fences incurred from testing will be repaired by the proponent.
11. The proponent will maintain a 100' setback from the South Fork of the West Fork Stillwater River and exclude any testing within any dry channels or irrigation ditches. See attached map, on page 12, for reference to where testing is acceptable on State Trust Lands.
12. All gates opened by the proponent must be immediately closed.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS
 More Detailed EA
 No Further Analysis

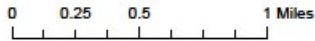
EA Checklist Approved By:	Name: Jeff Bollman
Signature:	Title: Southern Land Office Area Manager
	Date: 9 January 2023

GWIC Wells Location Map Nye Gravel Testing

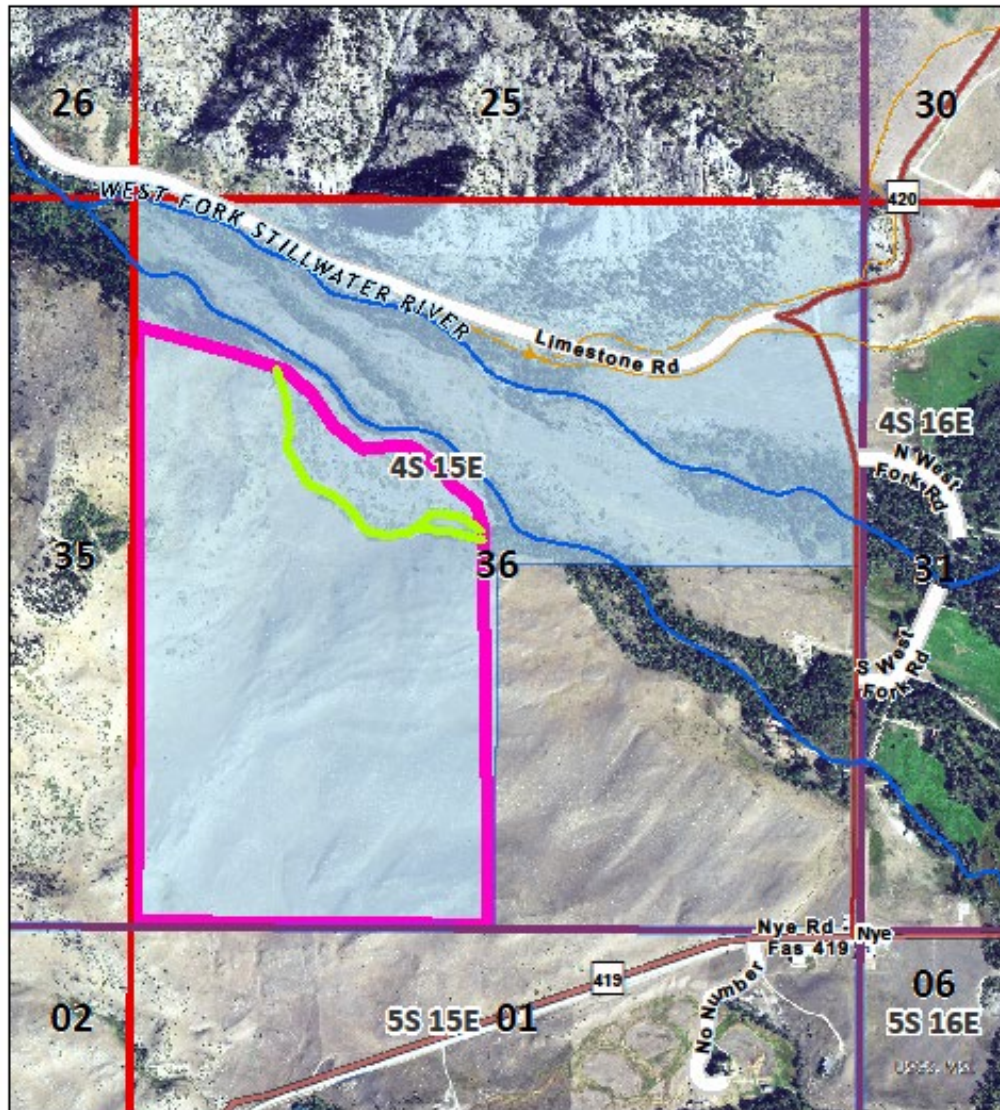


Legend




- + GWIC wells Nye
- DNRC Trust Lands
- PLS First Division
- PLS Township
- Stream/River
- - - Stream Intermittent



Nye Gravel Testing Area



Legend

-  Dry Channel Exclusion
-  Permit Testing Area
-  DNRC Trust Lands

0 0.13 0.25 0.5 Miles

