CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	LHC, Inc. Elbow Lake Gravel Testing
Proposed Implementation Date	Winter 2022/2023
Proponent:	LHC, Inc
Location:	T15N-R14W-Sec 20 (Pine Hills School Trust) $E^1/_2$ $NE^1/_4$
County:	Missoula

I. TYPE AND PURPOSE OF ACTION

LHC, Inc. henceforth referred to as the proponent, has applied for a gravel test permit for the above-referenced tract in Missoula County. This project would utilize a backhoe to dig holes to a depth of approximately 12 – 15 feet. Testing and documenting of the gravel resource would be performed by employees of LHC, Inc. 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 reclaimed immediately upon documenting 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 Clearwater Unit Manager, Kristen Baker-Dickinson, has been notified.

Andrea Stanley, Hydrologist/Soil Scientist, and Garrett Schairer, Wildlife Biologist have been scoped for comment on the proposed action, and their expertise has been incorporated into this document.

The community of Elbow Lake is adjacent to the analysis area and includes State Trust Lands lessees and private landowners. Both lessees and adjacent landowners were scoped with an initial proposal letter for this action, sent December 6th, 2022, via USPS. The letter included a link to a Microsoft Form document where comment was collected. Several comments were also sent to Zack Winfield, Minerals Management Bureau Engineer's, email address. All comments have been compiled and included in this document as Appendix A. Included in Appendix B are replies from the Department to categorical issues presented during the public comment period.

Montana Fish, Wildlife & Parks was also scoped via the initial proposal letter, a written response was received and is also included in Appendix A.

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 flood deposits of gravel and boulders that overlie the Lower Missoula Group formation. The project area includes two soil types.

- Perma gravelly loam, 0 to 4 percent slopes
- Totelake gravelly loam, 8 to 30 percent slopes

These two soils exhibit the following characteristics:

Shallow excavations – This rating is related to the property that influences the ease of digging and resistance to sloughing. Perma gravelly loam exhibits a somewhat limited rating for shallow excavations while Totelake gravelly loam exhibits a very limited rating.

K factor – Perma gravelly loam exhibits a low rating for soil-to-sheet and rill erosion from water, while Totelake gravelly loam is not rated.

Soil compactibility risk – Both soil types exhibit a medium potential for compaction.

Wind erodibility group – Both soil types found in the project area exhibit a low risk to wind erosion.

Soil restoration potential – Both soil types exhibit a high potential rating for soil restoration.

Soil rutting hazard – Both soil types exhibit a slight rutting hazard.

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 unit 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 Clearwater River flows north to south through Elbow Lake, in the center and the SE$^1/_4$ of section 20. Elbow Lake is at an approximate elevation of 3860' ASL and the proposed testing area is at an approximate elevation of 3965' ASL.

A search of the Montana Ground Water Information Center website yields 26 water wells within a half-mile radius of the proposed testing area or within section 20. Each well is summarized below in table 1 and the provided 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 versus total and correct physical well locations.

GWIC ID	Latitude	Longitude	Surface Elevation	Total Depth	Static Water Level	Depth Water Enters	Calculated Water Table Elevation
71628	47.040947	-113.398549	3854	90	55	90	3799
71629	47.040947	-113.398549	3854	120	70	78	3784
160395	47.049916	-113.390506	3970	260	77	60	3893
160768	47.0382	-113.405232	3945	80	48	80	3897
161988	47.046441	-113.395876	3897	80	52	80	3845
181614	47.049916	-113.390506	3970	340	300	<Null>	3670
187583	47.0382	-113.405232	3945	78.5	48	78.5	3897
197563	47.049	-113.397132	3853	29	14	29	3840
204507	47.039115	-113.401222	3886	196	64	96	3822
207890	47.049916	-113.390506	3970	160	<Null>	73	Unknown
210741	47.039115	-113.401222	3890	70	27	70	3863
213961	47.049916	-113.390506	3970	500	127	340	3843
217764	47.0424	-113.3985	3860	40	18	<Null>	3842
217886	47.0395	-113.3957	3876	80	43	<Null>	3833
219833	47.042778	-113.401222	3868	60	19	60	3849
227577	47.046441	-113.390529	3956	265	97	252	3859
251844	47.04125	-113.397283	3882	80	41	77	3841
251854	47.0403	-113.3974	3877	78	31	78	3846
251857	47.041633	-113.396033	3900	98	51	98	3849
251870	47.049916	-113.390506	3970	500	147	380	3823
258527	47.049916	-113.401107	3861	410	140	240	3721
297041	47.049916	-113.406408	3945	76	5	76	3940
300277	47.039733	-113.396033	3860	69	25	69	3835
300278	47.040383	-113.396967	3869	78	36	78	3833
311550	47.053579	-113.390506	4052	140	19	105	4033

Table 1. lists the characteristics of GWIC wells near the analysis area

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 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 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 20 is covered by conifer-dominated forest and woodland, comprised of Douglas-fir, Grand fir, and Ponderosa pine with Montane Grassland system. Montane Grassland system is comprised of perennial bunch grasses and forbs, dominated by Rough Fescue.

An inventory of the Montana Natural Heritage Program's Species of Concern database was conducted for the project area. The search yielded no vegetative species of concern within a half-mile radius.

The search yielded several noxious weeds observed within a half-mile of the project area; Common St. John's-wort, Purple Loosestrife, Ventenata, Yellow Toadflax, Yellowflag Iris, Spotted Knapweed, and Common Hound's-tongue.

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 Clearwater Unit office.

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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.

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 general wildlife as described below.

General Wildlife
The project area is a mix of semi-open Douglas-fir and ponderosa pine forested stands that are intermixed with some non-forested areas of grass and shrubs. Proposed activities would occur in the non-forested areas. Existing disturbance to wildlife is likely given the proximity to open roads, Highway 83, human residences, timber management, and various forms of summer and winter recreation. Some slight, 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, bears, coyotes, foxes, and mountain lions as part of a movement corridor between the uplands on the Blackfoot Clearwater Game Range and the Clearwater River. Given the proximity to Highway 83 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 revert back to existing conditions following the brief duration of the proposed activities and 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.

Big Game:
The proposed project area serves as deer and elk winter range and year-round use by deer, elk, and moose is possible; proximity to Highway 83, numerous residences, and other forms of human disturbance likely limits usefulness of the project area for extensive use by big game. No changes in hiding cover, thermal cover, and snow intercept would be anticipated. Some disturbance to wintering big game could occur with any activities that may occur during the winter period, but big game animals using the project area likely already experience relatively high disturbance and displacement effects in the area proposed for activities from the other sources of human activities in the area. Overall negligible direct, indirect, or cumulative effects to big game would be anticipated.

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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.

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 as described below.

Threatened and Endangered Species: Potential habitats for Canada lynx and Yellow-Billed Cuckoos do not exist in the vicinity of the proposed activity, thus no direct, indirect, or cumulative effects to Canada lynx or Yellow-Billed Cuckoos would be anticipated. The proposed project area is outside of any grizzly bear recovery zone but is within "occupied habitat" area as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger 2002). Proximity to human residences, Highway 83, 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.

Literature Cited:

Wittinger, W.T. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum on file at USDA Forest Service, Region 1. Missoula, Montana. 2pp.

Sensitive Species: Potential flammulated owl habitats are present in the project area. Proposed activities would not appreciably alter flammulated owl habitats but could disturb nesting flammulated owls if activities were to occur during the nesting season. Thus, a low risk of adverse direct, indirect, or cumulative effects to flammulated owls would be anticipated with the proposed activities. The project area is in the home range associated with the Clearwater Junction bald eagle territory. Little or no disturbance to nesting bald eagles would be anticipated given the habitats present, distance from the nest, presence of Highway 83, 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. Fringed Myotis are year-round residents of Montana and could be in the vicinity of the project area, however activities would be conducted during the winter months and no caves, mines, crevices, or human structures that could overwinter fringed myotis are known in the vicinity. Overall, no appreciable changes to fringed myotis use of the project area or cumulative effects analysis areas would be anticipated. No proposed activities would occur within 500 feet of lakes or streams suitable for geese, loons, or other waterfowl and would occur outside of the nesting period. Similarly, activities would avoid waterways used by osprey and would occur outside of the nesting period. Other potential sensitive species in the vicinity include hoary bat, pileated woodpecker, and northern goshawk. Negligible changes to existing vegetation would occur, thus no 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 83, numerous residences, and several other forms of human disturbance, the potential for affecting these species would be limited. 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.

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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 cultural resources would be avoided in gravel exploration and assessment work, the proposed project will result in *No Effec*t 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.

The proposed testing area is located approximately 3.20 Miles north of Clearwater Junction on Highway 83 and is approximately 2,080' to the west of Elbow Lake.

No Action Alternative – No impact

Action Alternative – The proponent would be granted a permit to test for gravel. The testing area can be seen from parts of Highway 83 and the access road to the cabin sites on the tract. Recreationists, residents, and motorists in the area would see an excavator and several trucks in the testing area. The testing is only expected to take 1 or 2 days. After the testing is complete, the test holes will be visible by individuals recreating in the project vicinity. As revegetation is established, the test holes will be become less apparent and are expected to return to a pre-testing level of aesthetics. Minimal disturbances to aesthetics are expected during operations. However, there are no long-term effects on aesthetics anticipated if the action alternative is selected. Increased noise levels will also occur from the proposed action. Noise levels proposed are expected to be similar to those produced from motorists travelling on highway 83. Increases in noise levels are expected to be minor and short-term.

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.

This tract contains numerous cabins that are adjacent to Elbow Lake. Some of the cabins are on privately owned property, while others are on leased property owned by the State of Montana Trust Lands. The project area is also adjacent to the Clearwater Wildlife Management and is separated from the WMA by Highway 83. The Montana FWP also holds a forest grazing license encompassing the proposed project area.

No Action Alternative – No Impact

Action Alternative – The action alternative may create short-term impacts to the owners of cabin sites and private owners on Elbow Lake. Cabin site owners could expect to see an excavator and several trucks in the proposed testing area for 1-2 days if the action alternative is selected. 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 effect to the grazing lessee is expected to be minor. 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 may be mitigated with proper safety efforts. There are no anticipated effects to the human health and safety of cabin site owners, residents, or visitors of the area if the action alternative is selected.

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

Commercial activity occurs on this tract by the leasing of State Trust Lands to cabin site owners adjacent to Elbow Lake. Agricultural activity exists on this tract in the form of a grazing forest lease held by the Dept. of Fish, Wildlife and Parks.

No Action Alternative – No impact

Action Alternative – Short-term impacts to cabin site lessees is expected to occur during gravel testing operations. The equipment utilized for gravel testing will 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 – No 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.

There is no known zoning overlying the project area. The analysis area is adjacent to the Blackfoot Clearwater Wildlife Management Area. The Montana FWP manages this area and was scoped for comment regarding the proposed action.

No Action Alternative – No Impact

Action Alternative – Minor, short-term impacts to wildlife travelling to and from the Management Area through the analysis area are expected. These impacts are evaluated under the wildlife portions of this document. The Montana FWP provided comment regarding the proposed action, which is included in this document. There are no anticipated impacts to land, water, or resources within the Wildlife Management 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.

This tract has access through an easement from Montana FWP for the use of the DNRC, lessees, licensees, permittees, successors, and assignees. The neighboring land is the Blackfoot-Clearwater Wildlife Management Area. The proposed testing area is approximately 13.40 miles away from the Bob Marshall Wilderness' most southern point, and approximately 22 miles from the south-eastern border of the Scapegoat Wilderness.

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. It is expected to have no impact to recreational activities on the neighboring Wildlife Management Area. The analysis area is not designated as wilderness and the proposed action is not expected to impact wilderness activities or access.

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 may include a gravel pit. There is currently a grazing lessee on the tract, and the action alternative would not significantly affect future grazing in the analysis area.

EA Checklist Prepared By:	**Name:** Zack Winfield **Title:** Petroleum Engineer	**Date:** December 27, 2022
	Name: Thomas Palin **Title:** Mineral Resource Specialist	**Date:** December 27, 2022

V. FINDING

25. ALTERNATIVE SELECTED:

Following a review of the document as well as the corresponding Department policies and rules, the Action Alternative has been selected because it meets the intent of the project objectives outlined in Section I – Type and Purpose of Action. This includes but is not limited to the requirement that DNRC administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run for the beneficiary institutions (Section 77-1-202, MCA).

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. 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, and reclamation.

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 48 hours before project activities commence.

4. DNRC will contact and coordinate with Montana FWP regarding road access.

5. 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 lessee 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.

6. The proponent will seed disturbances with a Clearwater Unit approved seed mix.

7. Any damages to fences incurred from testing will be repaired by the proponent.

8. A 500-foot buffer from streams, rivers or wetlands must be maintained.
9. The proponent shall be prohibited from carrying firearms while on duty.
10. Food, garbage, and other attractants will be stored in a bear-resistant manner.
11. Motorized public access will be restricted at all times on restricted roads that are opened with project activities.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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

EA Checklist Approved By:	**Name:** Kristen Baker-Dickinson **Title:** Clearwater Unit Manager	
Signature:	***/s/ K. Baker-Dickinson***	**Date**: **12/27/2022**

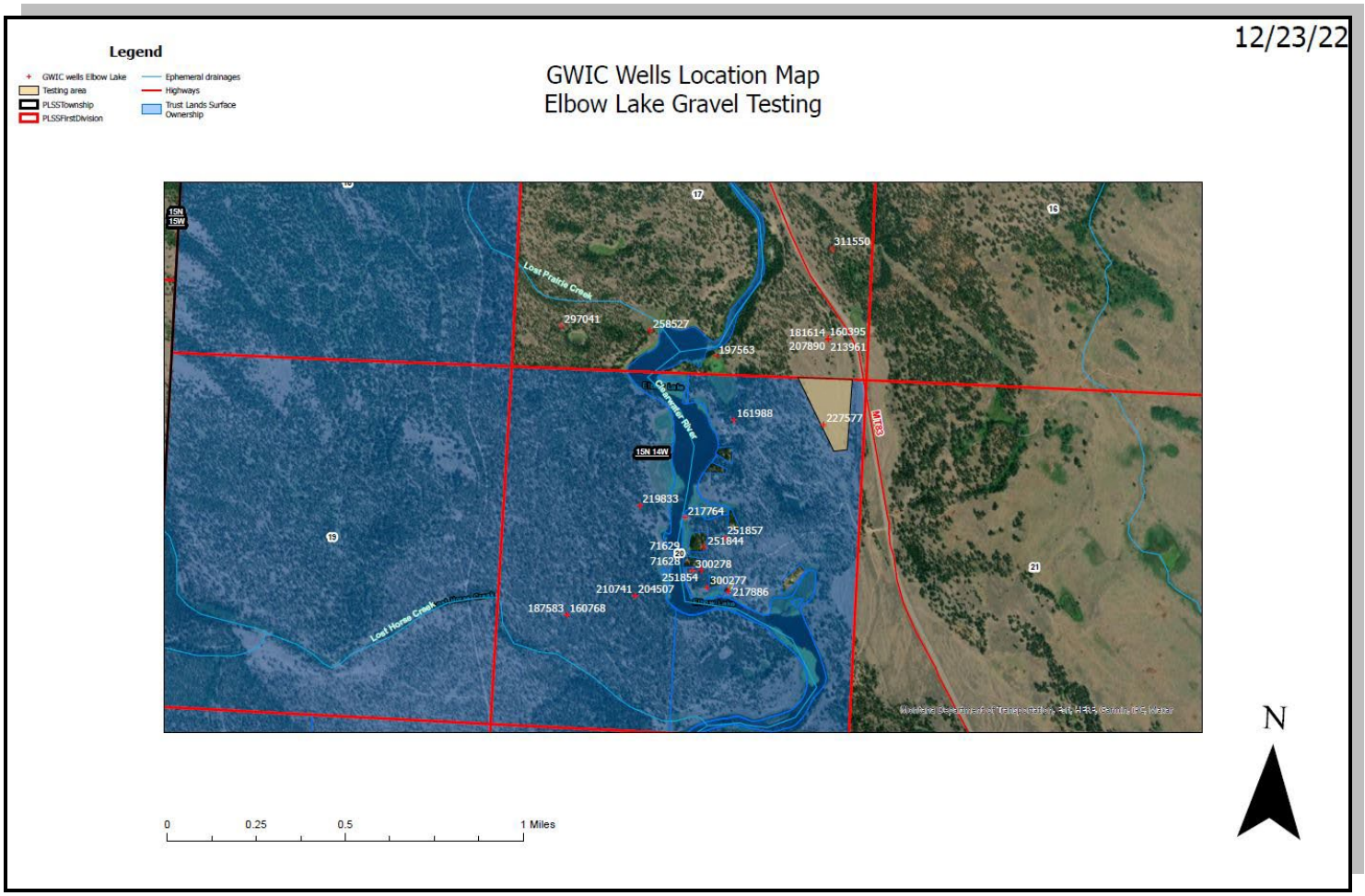
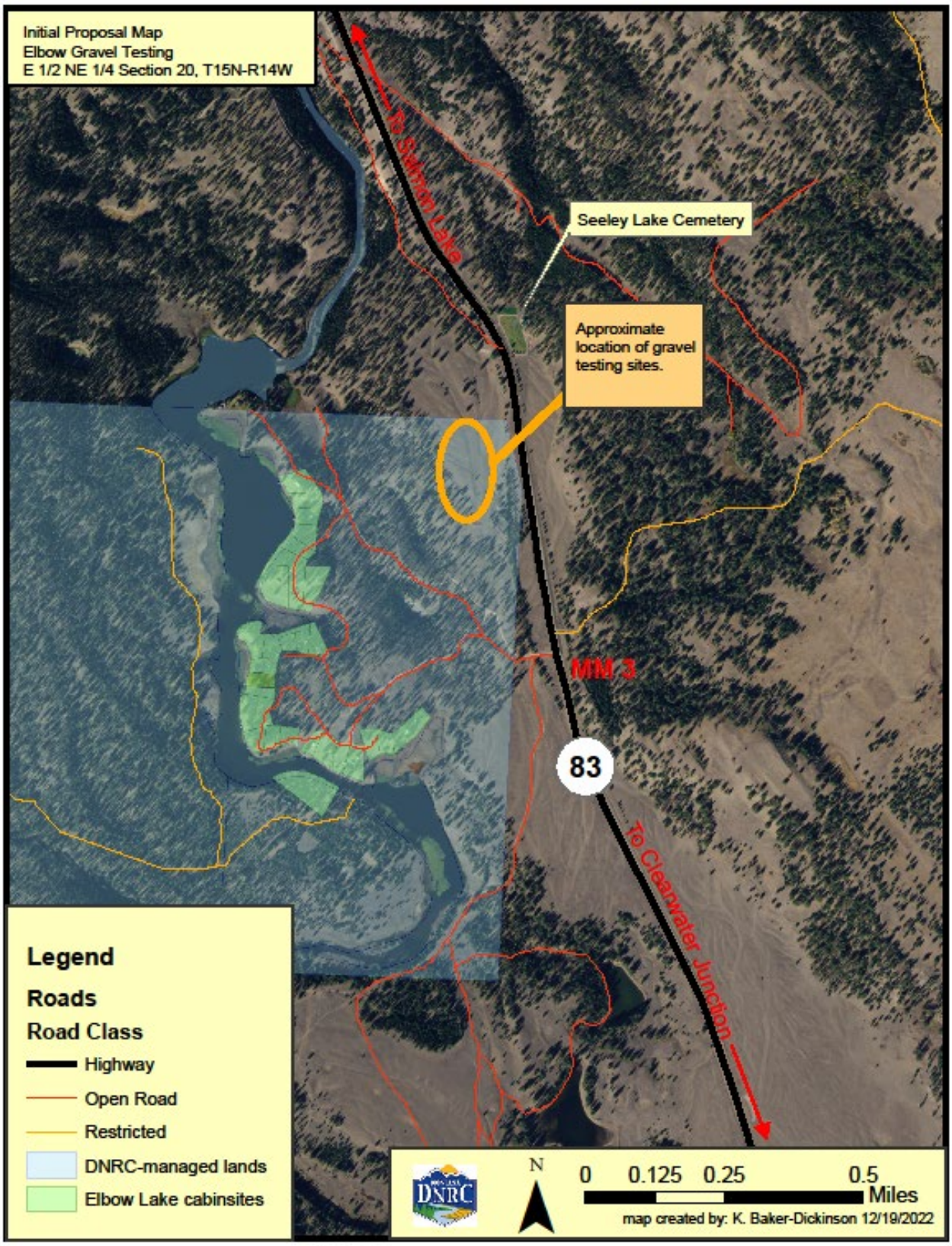


Figure 1. GWIC well locations near analysis area.


Initial Proposal Map
Elbow Gravel Testing
E 1/2 NE 1/4 Section 20, T15N-R14W
To Stillman Lake
Seeley Lake Cemetery
Approximate location of gravel testing sites.
MM 3
83
To Clearwater Junction
Legend
Roads
Road Class
Highway
Open Road
Restricted
DNRC-managed lands
Elbow Lake cabinsites
N
0 0.125 0.25 0.5
Miles
map created by: K. Baker-Dickinson 12/19/2022

APPENDIX A

No. No. No. As a 60 year lessee at Elbow Lake this development would be noisy, dusty, and disturbing to the natural wildlife corridor that takes place between Blackfoot Clearwater WMA and Lost Prairie Creek.

-Dan O'Hoyt

Although the Elbow Gravel Resource Testing initial proposal does not state the purpose of the testing (though it certainly should for the sake of transparency), I'll take a leap and guess that LHC plans to apply for a permit similar to the one they applied for in 2017 and at nearly the same location: E 1/2 NE 1/4 Section 20 T15N R14w. I was opposed to that permit application - to remove gravel from 5 acres over 3-6 months and during most daylight hours - and I am opposed to the testing application proposal for the same reasons: The location is in the middle of an extremely active wildlife corridor (the Blackfoot-Clearwater Game Range/Clearwater River-Elbow Lake). The noise and disruption will certainly negatively affect wildlife as well as nearby residents and visitors to the area. The dust from any operations are a concern as well because of the proximity to the Clearwater River and Elbow Lake. In addition, LHC has a record of applying for a gravel operations permit under certain hours of operation and then requesting extended hours. Permits 1432 and 650 are examples. In 2017 LHC located an alternate gravel source. Surely they can do so again. I understand that this specific proposal is for 1-2 days of testing - I oppose the testing because it is clearly only a precursor to gravel extraction.

-Jane Grochowski

My main worry and question is what is being planned for the site where the gravel testing is being done. I would not like to see an excavation gravel pit or some other construction which diminishes the natural beauty or wildlife habitat and presence. The whole Swan valley is a wonderful natural gem in our state. I believe we should manage it to preserve its wild state as much as possible. We (humans) have already impacted so much of our state so that wildlife no longer can comfortably nor successfully use the habitat. Let's leave the little wild (or less impacted) places we still have left alone.

Thank you

-Carla Boehmler

Why would the DNRC want to explore allowing a gravel pit on this land? You would be changing a beautiful piece of land and completely devastating it. I couldn't think of anything more destructive to the land than a gravel pit! What hours of operations will this gravel pit operate? What effect will it have on the wildlife in the area? This seems absolutely ridiculous!

-Steve Jarvis

I am 100% in opposition to the Elbow Lake Gravel Pit testing. It is unbelievable to me that this is once again being looked at after the 2017 application for this same spot was declined, all for good reason. There is no reason to disrupt the area when many other pit options are available, while at the same time causing severe disruption to this wildlife corridor between the renowned Clearwater Game Range and the Clearwater River. Grizzley and Black bears, elk and deer, osprey and eagles, and countless other species all use this area 24/7 365 days a year along with many other species. And this area is less then on-half mile from a bull trout protected stream (per previous FWP and DNRC decisions to drain Elbow Lake by disallowing rebuilding of the 1800's weir). The idea to test this area for potential use is of no value, since the potential for major disruption from a future gravel pit will not pass the tests of approval anymore today then in 2017. Stop wasting valuable and limited state and federal monies to repeat the same mistakes made it 2017, especially when the same people are still on the DNRC payroll today and should respect the 2017 decision by simply awakening their memory.

-Jeff Dickerson

To the Montana DNRC & Zack Winfield:

I received your letter on December 8 that was dated December 2 informing me and other (unknown) recipients of the "Initial Proposal for Elbow Gravel Resource Testing". You ask for comments and suggestions concerning

this “gravel testing proposal from interested parties” with a deadline for comment due by December 19, 2022 at 5 pm.
First of all, that’s not much time for people to respond considering the letter was sent by ‘snail mail’ and people do travel and could miss this opportunity to comment. I feel that the public should have at least 30 days to respond.
Second of all, the letter does not provide any purpose for the testing which leads this letter recipient to wonder why the public isn’t presented with more information and given a longer period of time to learn about the proposal and respond to the DNRC about the “gravel test” permit application by LHC, Inc. LHC, Inc. is the same company that wanted a permit in January 2017 to “excavate and remove approximately 50,000 tons of gravel on 5 acres” in the same basic location as the current potential “test” site.
This area between the Scapegoat Wilderness, the Blackfoot Clearwater Game Range, the Clearwater River, the Mission Mountain Wilderness and the Rattlesnake Wilderness is a critical thoroughfare for a wide variety of Montana’s greatest wildlife species, including grizzly bears, elk, eagles, and the list goes on. Not only would the noise and dust disrupt the peacefulness of the area and negatively impact the wildlife, the Last Best Place Cemetery is just across the road from the “test” site. I don’t think the cemetery would be the “Last Best Place” any longer. Nearby residents on Elbow Lake that have long been established (most of the cabins have been on site for 70 years) would also be negatively impacted by the noise, dust and general disruption. Even allowing the company to test the gravel resource would open a ‘can of worms’ that would primarily benefit the company, not the wildlife, nearby residents or the cemetery. Please deny the “gravel testing permit”.

-Libby Langston

Dear DNRC,
I am writing to express my opposition to the proposed gravel pit testing at Elbow Lake which is undoubtedly a step toward a gravel pit. I, along with every Elbow Lake resident I’ve spoken with, have several concerns about this project, including its potential impact on the local environment and the quality of life for nearby residents.
First, the extraction of gravel from the area could have serious consequences for the health of the lake itself. The excavation process could damage the delicate ecosystem and disturb the balance of plant and animal life that depends on the lake for survival.
In addition, the noise and disturbance from heavy machinery could have a negative impact on the quality of life for residents and countless species of animals living near the lake. The constant noise and dust from the operation could make it difficult for nearby residents to enjoy their homes and the natural beauty of the area.
I also have concerns about the long-term effects of the gravel pit. The extraction of gravel is a temporary process, and once the gravel has been removed, the pit will be abandoned. This could leave the area with a scarred and damaged landscape, which could have a negative impact on property values and the overall attractiveness of the area as a place to live and visit.
Lastly, the comment period provided was shamefully insufficient, I’m guessing purposefully, so that all of the residents don’t have time to object.
For these reasons, I strongly oppose the proposed gravel pit testing (and ultimately the ill-advised gravel pit itself) at Elbow Lake and urge the DNRC to reject this project.
Sincerely,

-Greg Browning

I am totally opposed to the elbow gravel testing permit application. . I, along with every Elbow Lake resident I’ve spoken with, have several concerns about this project, including its potential impact on the local environment and the quality of life for nearby residents. I also have concerns about the long-term effects of the gravel pit.

-Autumn Browning

To whom it may concern:
We are currently property owners on Elbow Lake less than a mile from the proposed mining operation.

In a 1999 landmark decision, MEIC v. Montana DEQ, the Montana Supreme Court ruled unanimously that Montanans' constitutional right to a clean and healthful environment (Article IX, Section 1) is a fundamental right and one that is intended to be preventative in nature.
We want to be very clear: We will never agree to allow any activity related to mining on the state land in question. We contend that any action that is associated with mining is a direct violation of the Montana Constitution when said actions are performed anywhere near human activity. A gravel mine will create many types of pollution that directly and negatively affect our health and the environment. Therefore, any mining operation in this area is unconstitutional.
In addition, when we were attempting to purchase our property in 2017 and 2018 from the DNRC and the Land Board, as part of the appraisal process and hearing, we argued that a similar prior gravel pit and mining proposal in the vicinity of Elbow Lake should have lowered the value and purchase price of the property we intended to purchase. The response from the DNRC and the Land Board was that the gravel pit proposal had been abandoned and there were no future plans for a gravel pit or any mining project in the vicinity on DNRC land, therefore there should be no reduction in value and price. That response, which we relied upon in purchasing the property, was clearly not true. Furthermore, the access easement to the road to our property, which we purchased in 2018 in addition to our property, indicates that the Department (and other users) shall not ""reasonably interfere"" with our use of the road and our property. Any mining activity or gravel pit will arguably and clearly unreasonably interfere with our use of the road and our property, therefore any mining project affecting the road and our property will be in clear breach of the access easement we purchased from the DNRC and Land Board in 2018. We believe that numerous other purchasers of Elbow Lake parcels in the past five years from the DNRC and Land Board received identical road access easements and will also suffer unreasonable interference with their use of the road and their properties if any mining activity takes place in the vicinity of Elbow Lake.
We intend on making the Montana DNRC responsible for taking this preventative action immediately to stop any-and-all mining activities on the state land in question. This includes drilling test holes.
Thanks in advance for taking our objection seriously and acting in a preventative manner in accordance with the Montana Constitution and adhering to access easements that are already in place.
Sincerely

-Tom and Kathleen Ward
-Patrick and Mary Dougherty

Please post a URL where we can see all the comments.
Thanks in advance.

-Tom Ward

My family and I are strongly against the Elbow gravel resource testing proposal. First issue, I received this notice in the mail AFTER the proposed testing activity was to be completed. Second, the purpose of this gravel testing is not mentioned. Common sense says certain parties involved want a gravel pit. This is not the first time this has been proposed at or near this location. This current proposal will be met with the same strong opposition. Some concerns are environmental impacts including: affects on the Blackfoot game range, wildlife including nesting osprey, bald eagles, migratory birds, loons, geese, migrating elk herds, noise & dust pollution, increased road traffic. Also possible drainage and stream contaminants into the Clearwater and Blackfoot river ecosystems. These are just some of the concerns that myself and others share. Thanks for your time. and we hope to hear information in a timely manner.

- Dustin Anderson

December 14, 2022
I am writing in response to the question of whether a gravel pit company should be given a permit by the DNRC to test for the quality of the material located just feet from the Blackfoot Clearwater Game Range, the adjacent cemetery and the nearby Clearwater River. This permit would apparently be for testing the material only, not actually fordigging gravel in the area. Obviously if the gravel is of a certain quality according to the company

(LHC), LHC will then want to get a permit to dig and dig and disrupt the peacefulness of the area which would only negatively impact a very sensitive environment.
Why would the DNRC consider such a noisy, dusty operation across from the 43,761 acre Game Range that required a big effort from Montanans to establish it? Jay Kolbe, a wildlife biologist for MT FWP wrote a document in 2007 about the value of the Game Range. He wrote that "nearly everyone" on the Clearwater Resource Council identified on their short list the Game Range as one of the "jewels of the Crown of the Continent Ecosystem". He added that, "Because it's been such an integral part of the Valley's Landscape for so long it's easy to forget just how unique and valuable the Game Range is both within the Crown Ecosystem and nationally. The Clearwater and Blackfoot Rivers, rich Cottonwood Creek riparian corridor, eutrophic lakes and fen meadows, abundant undeveloped springs, glaciated potholes, fescue grasslands, and diverse upland forests support an incredible diversity of plants and animals. FWP has documented at least 200 species using the Game Range in any given year." Kolbe added that, "Today, the Game Range functions as one of the critical habitat keystones in the southern Crown ecosystem, a fact not lost on the many organizations that have worked hard to conserve and improve it over the last half century. These groups have facilitated more than 60 significant real estate transactions over the years with the goal of consolidating ownership and management of the area. I strongly encourage everyone to support the ongoing work of the Rocky Mountain Elk Foundation, the Nature Conservancy, land trusts, the Blackfoot Challenge, and State and Federal agencies; the coordinated efforts of these groups and untold hundreds of concerned citizens has made the Blackfoot Clearwater what it is today and their work is ongoing."
In conclusion, I strongly oppose issuing a permit to a gravel company to test the area that is essentially an extension of the Blackfoot Clearwater Game Range, a jewel of the Crown of the Continent Ecosystem.

-Cindy Holder

We oppose the gravel exploration application by LHC Inc. While the scope of the application may seem fairly innocuous, it seems evident that the next application will be for a permit to mine and crush aggregate for the upcoming Salmon Lake Reconstruction project. This location is an environmentally sensitive area and adjacent to a large Montana Fish Wildlife and Parks wildlife management area.
This project will require 40,000 to 50,000 cubic yards of crushed aggregate for base course and asphalt production. DNRC should also be prepared for an application to operate a portable asphalt batch plant at the same location because generally asphalt production occurs at the aggregate source. A gravel mining operation of the magnitude required for a project this size would permanently damage the area. Developing a new aggregate source is totally unnecessary, since there are already existing sources in the Seeley Lake and Blanchard Creek areas
We understand that the application under review is for exploration and testing, but unless DNRC is prepared to approve a permit for what is described above, the permit for exploration should be denied.

-Jon & Lori Watson

I'm sending this form regarding the gravel pit permit east of Elbow lake. I am a landowner (Lot29) near the proposed site. The location listed on the permit application is right in the middle of the wildlife corridor between the Blackfoot-Clearwater Game refuge and the Clearwater River/Elbow Lake. There are osprey nests visible from the highway near the proposed site. This is definitely not an appropriate area to allow a gravel pit to be developed. The increased activity, noise pollution, destruction of the landscape, and the excessive use of heavy equipment on the existing roads will deteriorate and permanently affect the roads for the land/lease owners and general public. This gravel pit could possibly have a negative effect on the watershed, and not to mention the disruption to all the other wildlife/birds besides the elk from the game refuge - deer, fox, coyotes, owls, blue heron, geese to name a few. I totally object to the proposal.
I believe this company applied for a permit back in 2017, and I'm assuming it was denied. Nothing has changed since then, this is not an appropriate location for a gravel pit.
Thank you for allowing me to provide my comments. Please don't hesitate to contact me if you have any questions regarding my comments.

-Cathy Schwenk

We appose the Elbow Gravel Resource Testing and agree with Libby Langston's letter to the DNRC. You have given no info as to why there will be testing. What further project is intended if the testing come back to your liking?

-Tim and Cheryl Schwenk

Dear Mr. Winfield, I am writing in response to the notice regarding the proposal of a gravel pit to the east of Elbow Lake. Our family owns Lot 29 at Elbow Lake and has enjoyed recreating there since the 1970s. The area is sacred to our family and one we plan to continue to love and pass on to generations for years to come. The idea of a gravel pit, so close to our cherished family cabin, is unthinkable. We are concerned, not only about the increase in noise and traffic but also about the impact on the air and water quality, as well as the wildlife that resides there. This is not an appropriate place to consider a gravel pit and if allowed, will have many negative impacts on the wildlife, the landscape, and the people who've enjoyed the quiet and beauty of Elbow Lake for many years. We hope with all things considered, we can put a stop to the introduction of the gravel pit. Thank you for your time and consideration- Respectfully,

-Heather Schwenk

I am writing to oppose this permit application. This location is near the Clearwater River and Hwy 83 proximal to wildlife usage and the river. A nearby subdivision in Blanchard Creek was reworked to a much smaller footprint to accommodate these same issues. This permit is only sought to develop a gravel pit: an even larger disturbance to this area. Do not give this project a permit to explore when the ending is clear, especially since this project was proposed in the past. An inappropriate location for gravel extraction.

-Karen Williams

I am writing in response to the notice regarding the proposed new gravel pit east of Elbow Lake. My parents have a cabin at Elbow Lake/Clearwater River and I go there often. The location of the proposed new pit is right in the middle of a major wildlife corridor between the Blackfoot-Clearwater Game Range and the Clearwater River/Elbow Lake. There are even several game crossing signs along Highway 83. In addition, there are several osprey nests you can see along the highway. Having a gravel pit near this wildlife corridor would be detrimental to these animals as the activity, noise, changes to the landscape, and other disruptions the gravel pit would cause.

The length and time of operations is also concerning. The noise from loading, hauling, maintenance, mining, crushing, etc would be noisy and disruptive 6-7 days a week that will affect wildlife, local residents, and visitors to the area. It seems as though the company also has a history of requesting 24 hour operation. This is completely unacceptable.

In addition, the proximity of the proposed pit to the Clearwater River and Elbow Lake is very concerning. The effect it would have on water quality and pollution is another reason this should not be allowed.

Thank you for your time!

-Tricia Burns

I am opposed to the Elbow Lake test gravel permit! This area is a wildlife area that supports the Clearwater Blackfoot game range Last spring and early summer I reported off road camping in this area, to be gravel tested, to the Montana Fish Wildlife and Parks. The FWP responded quickly to have the campers -campsites removed and road closures installed to protect the wildlife vegetation and most importantly because it was a wildlife management area! I would like to know if the FWP are aware of this permit application? Thank you for allowing me to comment. No gravel pit in the Elbow Lake/Clearwater wildlife management area.sl Sincerely

-Patrick Schwenk

Please do not build a gravel pit near Elbow Lake. The noise, dust and truck traffic will be detrimental to the peace and tranquility we enjoy at Elbow Lake.

I've been recreating at Elbow Lake for most of my life, for about 57 years. I started fishing and camping at Elbow Lake in about 1965. As a young boy, I spent countless weekends fishing and exploring the Elbow Lake area while my dad was helping build Camp Imlu.

Just the other day I was looking at a ""then and now"" picture showing me with a stringer of perch at Elbow Lake when I was 10 years old, and when I was 60 years old. Although I have physically changed, Elbow Lake changed very little in those 50 years. I would like to protect it and keep it that way, because once it's gone, it's gone. This area is very near and dear to me.
Please provide more information to the public about what is being proposed or considered.
-Jeff Holm

Traffic impacts with vehicles traveling in and out.
Dust.
Aesthetics.
Impacts to tourists coming through the area.
Impacts to eagles - Eagles have held up highway projects for years.
Elk crossing.
Biggest concern: The State competing with private business.
Hard enough to make a living without the State competing.
-John Richards

Hi Zack,
Looking for some transparency. What is the purpose of testing.
Please include this email in public comment. I'm not in favor of a gravel pit basically in my back yard at Elbow Lake. The area is use by wildlife to cross between the game range and river. Would the gravel be turned into asphalt on site? Transparency!
Please don't approve this "initial proposal".
-Larry Tomsich

Dear Zack,
I received your notice of the proposal for gravel resource testing at Elbow Lake (NE1/4 NE 1/4 Section 20, T15N - R14W). I've already submitted a comment via the form, but the form doesn't provide an acknowledgment of receipt. I looked for the proposal on this site (http://dnrc.mt.gov/public-interest/environmental-docs) but didn't see it. Can you tell me where to find it? I'd like to be sure my comment was received.
I am opposed to the testing. Though the proposal doesn't state the reason for the test, I expect that LHC plans to apply for a permit similar to the one they applied for in 2017. That proposal was to remove 5 acres of gravel over 3-6 months with operations during most daylight hours. The location for the proposed test (and presumptive new gravel pit) is in the middle of a wildlife corridor - there is a constant migration of deer, elk, and sometimes bears and lions between the Game Range and the Clearwater River/Elbow Lake. The noise and disruption from testing and gravel removal will disrupt wildlife, residents, and visitors to the area. The dust is a concern for the nearby river and lake. And LHC has a record of receiving permits for hours of operation that it then - after receiving the initial permit - expands. See permits 1432 and 650 for examples. There are multiple gravel pits in the area - surely LHC can find another source, as they did in 2017.
Sincerely,
-Jane Grochowski

Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804
Phone 406-542-5500

December 19, 2022

Zack Winfield
Minerals Management Unit DNRC
1539 11th Avenue
PO Box 201601
Helena, MT 59620-1601
(406) 444-9518
zackary.winfield@mt.gov

RE: Elbow Gravel Resource Testing

Mr. Winfield,

Thank you for the opportunity to comment on the Elbow Gravel Resource Testing proposal. Recognizing that DNRC Best Management Practices will mitigate many concerns, FWP encourages continued communication with project staff as this project develops. Again, thank you for the opportunity to comment, and we look forward to working with DNRC staff.

Please feel free to contact our Seeley Lake area Wildlife Biologist, Mike Ebinger, if you have any follow up questions.

Mike Ebinger
Ph: (406) 542-5500|C: (406) 210-3479
Michael.Ebinger@mt.gov

Sincerely,

Randy Arnold
Fish, Wildlife & Parks
Regional Supervisor, Region 2
rarnold@mt.gov
(406) 542-5504

Appendix B
Department Reply to Public Comment on Elbow Lake Gravel Testing EA

Methodology
The Montana DNRC sent potential affected interests an initial proposal letter dated December 2, 2022, asking for comment regarding the proposed action. The comment period closed at 5 pm on December 19, 2022. During the comment period, the Department received comment via email, phone call, and Microsoft forms. In all, 23 unique comments were received on a variety of issues. Many issues within the comments were similar and have been listed below. The department has included a reply to each of these categorical issues.

Wildlife
Wildlife concerns were communicated in fourteen of the twenty-three comments. Impacts to wildlife are evaluated in sections 8 and 9 of this environmental document. Garrett Schairer, DNRC Southwest Land Office Wildlife Biologist was scoped on the proposed action, and his analysis is included in sections 8 and 9 of this document. Additionally, the Montana FWP was sent the initial proposal letter. The FWP response to the proposed action is included in this document as part of the public comment.

Gravel Pit
Thirteen of twenty-three comments included concerns about a gravel pit. This environmental document only evaluates the proposed action of gravel testing. If there is an application for an aggregate take and remove permit (gravel pit application), the Department will notify the potential affected interests of the proposal, and an additional comment period will occur.

Noise
Nine of twenty-three comments express concerns about the noise that will be created. The digging of test holes is expected to introduce short-term noise to the analysis area. However, that noise is expected to be negligible. The point sources of noise from the proposed action include the idling of machinery and light-duty trucks, along with the noises associated with the excavation of gravel. The total noise disturbance associated with the proposed action is expected to be similar to that of the adjacent highway. Due to the short-term nature of the proposed action, and the nature of the surrounding environment, noise impacts are expected to be negligible.

Air Quality
Nine of twenty-three comments express concerns regarding air quality. Impacts to Air quality are evaluated in section 6 of this document.

Water
Nine of twenty-three comments express concerns about water quality. Impacts to water quality are evaluated in section 5 of this document.

Blackfoot Clearwater WMA
Eight of twenty-three comments expressed concerns regarding the proximity of the analysis area to the Blackfoot Clearwater Wildlife Management Area (WMA). The Montana Fish, Wildlife and Parks (FWP) owns and manages the WMA. FWP was scoped for comment on the proposed action, and their response has been included as part of the public comment in this document.

Traffic Patterns
Three of twenty-three comments expressed concerns about impeding traffic patterns. The proposed action is expected to occur over the course of one to two days and will not occur in an area used by motorists. The only impedance to traffic expected from the proposed action, is the travel to and from the testing site.

Asphalt
Asphalt was mentioned in two of twenty-three comments. No asphalt will be created, moved, or placed as part of the proposed action.

Look Elsewhere

Two comments encouraged the Department to either utilize a nearby source that has already been developed or to look generally in a different area. The department received an application to test the gravel resource on this specific tract and is evaluating it in accordance with the Montana Environmental Policy Act (MEPA). Due to its proximity to the highway, the nature of the geology, and the lack of adjacent sources on State of Montana Trust Lands, this area has been of interest to potential gravel operators.

Tourism

One individual expressed concerns regarding tourism. Negligible affects to tourism are expected from the action alternative. The proposed action shall occur within 1-2 days, and the disturbances created by testing will be reclaimed. The proposed action will have no effect on tourism in the analysis area.

Aesthetics

Concerns regarding aesthetics were communicated by one commentor. The impacts to aesthetics related to the proposed action are evaluated in section 11 of this document.

Human Health

Concerns regarding human health were expressed by one commentor. The impacts to Human Health related to the proposed action are evaluated in section 14 of this document.

Cemetery

One comment expressed concerns related to the cemetery across the highway. Noise associated with testing may be heard from the cemetery. Motorists travelling on Highway 83 will nullify the noise created by testing operations as it pertains to audible profile of the cemetery. The proponent will coordinate with the cemetery to ensure testing operations do not occur during an active service.

Easement

One comment expressed concerns related to the violation of an easement granted by the Department to the individual, for access to their private land. Within that easement, 18347, the following is stated: "*Provided, further, Grantor reserves for itself, its permitees, contractors and assignees the right to use the road for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management, and utilization of Grantors lands or resources…"*