



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Butte Field Office

106 North Parkmont

Butte, Montana 59701-9701

www.blm.gov/mt

In Reply Refer To:

2810(MTB070)
MTM-106022

Dear Reader:

The Bureau of Land Management, Butte Field Office is pleased to announce the availability of an environmental assessment (EA) and unsigned Finding of No Significant Impact (FONSI) for public review and comment pertaining to the proposed Golden Asset Mine Access Road Right-of-Way. The BLM proposes to sign the FONSI and issue a decision on the proposed right-of-way for the repair, use, and maintenance of an existing BLM road to haul ore from a private mine operation. The hauling would occur during the road's open season, May 16th to Dec 1st, for a term of up to 3 years.

Smith Contracting, Inc. has applied for an access road right-of-way to utilize existing road across lands administered by the Butte Field Office. The applicant needs the access road to haul hardrock ore generated through their Small Miner Exclusion Statement (SMES) at the Golden Asset Mine located on non-federal lands. The public lands are in T. 7 N., R. 3 W., Sections 19, 20, 29 and 30 southeast of Jefferson City in Jefferson County, Montana.

The public comment period for the EA and FONSI will be 15 days, **beginning September 30, 2013 and ending October 15, 2013**. The EA and unsigned FONSI are available for public review at the BLM Butte Field Office, 106 N. Parkmont, Butte, MT 59701 or on the web at http://www.blm.gov/mt/st/en/fo/butte_field_office.html.

The BLM will consider all substantive comments received during the public comment period. A substantive comment requests clarification or more discussion, gives new information, questions analytical techniques, or suggest new alternatives. Comments that simply express a preference, such as I support the No Action Alternative are not considered substantive.

Comments and questions may be directed to: Mr. Scott Haight, Butte Field Manager, shaight@blm.gov, or Michael Wyatt, Realty Specialist, mwyatt@blm.gov; BLM Butte Field Office, 106 N. Parkmont, Butte, MT 59701; phone (406) 533-7600; fax (406) 533-7660.

Sincerely,

Scott Haight
Field Manager

FINDING OF NO SIGNIFICANT IMPACT

Golden Asset Mine Access Road Right-Of-Way

DOI-MT-B070-2013-0023-EA

MTM-106022

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the Butte Resource Management Plan Record of Decision (April 2009). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context:

This project is localized with implications only for the immediate area. The impacts associated with this project are short-term and local, and are not likely in and of its self to have international, national, regional, or state-wide importance. Smith Contracting, Inc. has applied for a right-of-way grant under the Federal Land Policy and Management Act (FLPMA) across public lands administered by the Bureau of Land Management's (BLM), Butte Field Office in the Elkhorn Mountains. The right-of-way would authorize the applicant to improve, use and maintain an existing BLM road to haul gold/silver ore from the Golden Asset Mine located on private inholdings enclosed by public lands. Smith Contracting can do small-scale, open pit mining, per se, under their Small Miner Exclusion Statement (SMES) operation at the Golden Asset Mine.

Intensity:

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse.

The proposed action would affect resources as described in the EA. Adverse effects include minor impacts to wildlife and visual resources that will occur temporarily during road work and the season of use. Long term effects would be limited in scope. Mitigating measures to reduce impacts to Air Quality and Non-native Invasive Species were incorporated in the design of the proposed action alternative. Beneficial impacts include the water drainage improvements on the existing road and economic benefits in the local communities. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Butte Resource Management Plan (April 2009).

2. The degree to which the selected alternative will affect public health or safety.

The proposed action is designed to have no significant or unacceptable effect on public health or safety. The EA discloses that that Air Quality could be affected by the proposed action from fugitive dust being raised during construction and hauling activities; however the effects would be minimal, highly localized, and short-term. Use of water trucks, to wet the road when needed

during these operations would greatly reduce fugitive dust. Although the route on BLM is a seasonally open road, there are existing locked gates preventing access by the general public and thus interactions. The adjacent landowners still require enforcement of their gate closures during the proposed hauling periods. Public safety on the road will be addressed through use of signs at the gates.

- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.**

The following Critical Elements of the Human Environment and Other Resource Issues are not affected because they are not present in the project area: Cultural Resources, Environmental Justice, Native American Religious Concerns, Prime or Unique Farmlands, Floodplains, Wetlands/Riparian Zones, Hazardous Wastes, Wild and Scenic Rivers, Sensitive Plants, and Wilderness. The project area is located within an Area of Critical Environmental Concern (ACEC), but the proposed action would remain consistent the terms of the ACES. Motorized travel will be “limited” to designated routes in order to protect wildlife and non-motorized recreation values; No new permanent roads; and existing road closures will be maintained and enforced per the 1995 Elkhorns Travel Plan. Critical Element of the Human Environment (Invasive Non-native Species) and Other Resource Issues (Wildlife) were analyzed in some detail in Chapter 3. None of these would be significantly impacted because design features incorporated into the proposed action as specified will minimize identified resource concerns.

- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

Based on public comment, internal discussion and the analysis of the actions, the effects on the human environment are not likely to be highly controversial by professionals, specialists, and scientists. While some of the public comments received indicate the selected alternative may be controversial, I do not believe that there is significant controversy over the effects of this action.

- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The BLM has experience implementing similar actions in similar areas. No highly uncertain or unknown risks to the human environment were identified during analysis of the preferred alternative.

- 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The preferred alternative neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Any other proposals for this area will be subject to full NEPA disclosure.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.**

A cumulative effects analysis was conducted. No individually or cumulatively significant impacts were identified for the preferred alternative (proposed action). Any adverse impacts identified for the preferred alternative, in conjunction with any adverse impacts of other past, present, or reasonably foreseeable future actions will result in negligible impacts to natural and cultural resources. Indirect effects to the surrounding public lands would concentrate on the noise generated by the proposed mining operation.

The Golden Asset Mine mining operation would be a connected non-Federal action. Since the non-federal action effects can be prevented by BLM decision-making, the effects are properly considered indirect effects of the BLM action. No significant impacts were identified for the preferred alternative. The noise would affect wildlife movement patterns during the 3 year term of operation and temporarily reducing the amount of effective habitat. Individual energy expenditure would increase in avoiding the immediate area, and some increased competition for resources away from the mine could occur. Public recreation values would also be affected by the noise, thereby temporarily decreasing the enjoyment and/or use by some recreationists (hiking, hunting, wildlife viewing, etc.).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

A class III cultural resource inventory was completed for this preferred alternative (proposed action). No districts, sites, or other properties eligible for listing to or included on the National Register of Historic Places were identified within the area of potential direct effects. The investigations satisfied the Secretary of the Interior's Standards and Guidelines for the identification of historic properties and with the regulations for implementing Section 106 of the National Historic Preservation Act; there are no cultural resource concerns.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.**

No effects are anticipated to species listed as Threatened or Endangered under the Endangered Species Act. Grizzly bears (Threatened), lynx (Threatened), or wolverine (Proposed) may occasionally migrate or disperse through the area, but no individuals of these species are known to permanently reside in the action area. No threatened, endangered, or Candidate Plant species are known to inhabit the project area or the existing road prism to be repaired, used, and maintained.

10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.**

The preferred alternative violates no federal, state, or local environmental protection laws.

Scott Haight
Field Manager

Date

DRAFT

**U.S. Department of the Interior
Bureau of Land Management**

**Environmental Assessment DOI-MT-B070-2013-0023-EA
Case File Number: MTM-106022**

**Golden Asset Mine
Access Road Right-Of-Way**

Location: Jefferson County

Principal Meridian Montana

T. 7 N., R. 3 W.,

Section 19: Lots 14, 15, 20, 21, and 22;

Section 20: N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 29: NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 30: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Applicant/Address:

Smith Contracting, Inc.
101 North Parkmont
Butte, Montana 59701

U.S. Department of the Interior
Bureau of Land Management
Butte Field Office
106 North Parkmont
Butte, Montana 59701
Phone: 406-533-7600
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CHAPTER 1

INTRODUCTION: PURPOSE AND NEED

INTRODUCTION

The Bureau of Land Management (BLM), Butte Field Office, is considering a right-of-way (ROW) application requesting an authorization to improve, use and maintain an existing BLM road to haul ore from the Golden Asset Mine on private claims located near Jefferson City, Montana. This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental consequences of the proposed action. The road, which was built and/or improved as a haul road for the Golden Asset/Golconda Mine in the 1980s, traverses approximately 16,250 feet on public lands managed by the Butte Field Office. See attached location map.

PURPOSE AND NEED FOR ACTION

Smith Contracting, Inc. has applied for an access road right-of-way to utilize existing road across lands administered by the Butte Field Office. The applicant needs the access road to haul gold/silver ore generated through their Small Miner Exclusion Statement (SMES) at the Golden Asset Mine. The Golden Asset Mine is located on private inholdings within BLM public lands. Therefore, the applicant would need the authorized haul route across public land to haul any ore from the mine. The BLM's need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (FLPMA Title V, Section 501) to respond to requests for right-of-way grants and whether a ROW shall be approved as requested, approved with conditions, or denied.

CONFORMANCE WITH BLM LAND USE PLAN(S)

Issuing ROWs for access is in conformance with the Butte Resource Management Plan, approved April, 2009. This determination is based on RMP guidance as follows:

- Special Designations-Areas of Critical Environmental Concern (ACEC), Actions, Motorized Travel Management, page 54,
 - “7. Motorized travel will be “limited” to designated routes in order to protect wildlife and non-motorized recreation values.”
 - “8. No new permanent roads or motorized trails will be authorized for public use (road relocation will be allowed to protect resources, maintain access and/or protect human safety).”
 - “9. Existing road closures will be maintained and enforced per the 1995 Elkhorns travel plan. BLM will re-evaluate and/or monitor routes to determine if changes to existing plan are required.”

- Travel Management and Access, Management Actions, Allowable Uses, page 38,
 - “BLM will maintain current management of Travel Planning Areas (TPAs) with pre-existing travel plans...”
- Lands and Realty, Goals, LR2, page 67,
 - “LR2 – Provide land-use opportunities contributing to a sustained flow of economic benefits and meet local infrastructure needs while protecting or minimizing adverse impacts to resources and resource uses.”
- Lands and Realty, Management, Actions, page 67-68,
 - “2. Requests for land use authorizations will be analyzed and mitigation measures applied on a case-by-case basis in compliance with the NEPA process. ...In accordance with current policy, land use authorizations will not be issued for uses which would involve the disposal or storage of materials which could contaminate the land (hazardous waste disposal sites, landfills, rifle ranges, etc.)”
 - “7. Owners of non-federal land surrounded by public land managed under FLPMA will be allowed an appropriate degree of access across public land, which would provide for the reasonable use and enjoyment of the non-federal land.”
- Social and Economic Environment, Goals, page 80,
 - “SE1 – Provide opportunities for economic benefits while minimizing adverse impacts on resources and resource uses.”

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

Direction and authority for the proposal come from the National Environmental Policy Act (NEPA), the Federal Lands Policy and Management Act (FLPMA), and the Council on Environmental Quality (CEQ) regulations. The NEPA, FLPMA, and CEQ provide general land management and environmental analysis direction.

The ROW grant would be processed pursuant to Title V of the Federal Land Policy and Management Act (FLPMA) of 1976, as amended {43 U.S.C 1761} and would be subject to the terms and conditions set forth in 43 CFR 2800.

All treatments of invasive species in the proposed action would conform to all applicable guidance and standards set forth in the Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic EIS approved on September 29, 2007 and the Noxious Weed Control on Public Lands EA (MT-050-08-12), approved April 2008, to which this EA is tiered.

The Elkhorns Travel Management Plan, 1995, is an interagency plan that has been incorporated into the BLM RMP's Boulder/Jefferson City Travel Plan Implementation Decision. Seasonal travel restrictions would be observed.

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES

Internal scoping for this externally generated proposed action uses BLM interdisciplinary staff to help determine what needs to be analyzed in this NEPA document. Internal scoping is an interdisciplinary process used to help define potential issues, data needs, connected actions, and begins the cumulative effects analysis. During the scoping process, the size or scale of the proposed action and whether the proposal is routine or unique is also evaluated. Then an initial strategy for public participation and external scoping is determined as a result of the internal scoping process including who might be interested or affected.

Internal BLM staff scoping was conducted at the division meeting on May 6, 2013. The staff considered the proposed use as a routine right-of-way action of an open road that has no legal public access. The following issues were determined to be key and within the scope of the project and were addressed within the EA.

- Wildlife
- Non-Native Invasive Species (Noxious Weeds)

Because the road would need work for trucks to haul ore, a cultural survey and review was conducted on the road prism.

The proposed road right-of-way authorization to haul ore on an existing road, inaccessible to the general public, was announced to the public by posting the project on the field office NEPA log accessible on the BLM Montana/Dakotas external website and Butte Field Office website. The website NEPA log invites the public to provide comments/concerns or ask for more information on any of the proposed actions associated with this NEPA log.

A site visit attended by a couple of adjacent landowners in the Aspen Valley Ranches subdivision, who were providing the BLM access, voiced their own questions and concerns regarding the proposed action. Based on the amount of questions regarding several aspects of the proposed action from these landowners, the BLM organized an on-site meeting, August 13, 2013, to address the outstanding questions and concerns. The meeting was attended by interested landowners with land adjacent the potentially impacted area, BLM representatives, the proponent's representatives (Smith Contracting), and MTDEQ's Environmental Management Bureau representative responsible for processing hardrock mining operations on private mine claims under a Small Miner's Exemption Statement (SMES). All of the interested parties that had voiced concerns had a chance to hear what the proposed action would be and an opportunity to have any questions addressed.

There were no written comments submitted through the external scoping, but verbal concerns brought forward within the scope of this assessment were:

- Addressing the existing erosion issues and the water damaged road as well as the proposed action's further impacts to an already deteriorating road condition.
- Disrupts wildlife and leads to harassment.
- Displacement of big game during hunting season.
- Roadkill mortality risk to big game.
- Increased use of the public road for a hauling operation detracts from enjoyment of the area.

DECISION TO BE MADE

Upon completion of the environmental analysis, the decision to be made by the authorized officer is whether to authorize the repair, use, and the maintenance of an existing BLM road to haul ore from a private mine operation, under a Small Miner's Exemption Statement filed with the State of Montana Department of Environmental Quality (MTDEQ), during the road's open season, May 16th to Dec 1st, for a term of 3 years.

CHAPTER 2 DESCRIPTION OF ALTERNATIVES

INTRODUCTION

This Environmental Assessment analyzes the Proposed Action alternative and the No Action alternative. The "No Action" alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action under the current conditions and management.

NO ACTION

The No Action Alternative would be to deny the application as proposed. However, the applicant could reapply addressing deficiencies in the original application. This alternative would leave the project area and the existing road in its current condition. The no action alternative provides the opportunity to analyze the environmental effects of not granting a road right-of-way and continuing with the current management and conditions.

PROPOSED ACTION

The BLM proposes to issue a 3 year road right-of-way grant to Smith Contracting, the applicant, which would authorize them to repair, use, and maintain approximately 16,250 feet of existing BLM road as part of their access route to haul hardrock ore from the existing Golden Asset Mine located on private inholdings within BLM public lands. The proposed action would be to haul an estimated 50,000 tons of ore from the applicant's small-scale open pit mine operated under an approved Small Miner Exclusion Statement (SMES) with the Montana Department of Environmental Quality-Hard Rock Program (DEQ). The hauling would be done when the BLM road is open from May 16th to December 1st and weather permitting, for up to 3 seasons. All ore coming from the mine at the Golden Asset Mine would be hauled to a private staging area owned by RS Giulio Contractor and located near Boulder, Montana. Larger capacity trucks would be used to haul the ore from the staging area to, primarily, the Contact Mining Company, Phillipsburg, MT, for mineral processing.

As shown on the map exhibit, the route traverses private parcels east of Interstate Highway 15 before the route becomes known as the Troy Creek Road on BLM land. The mine owner has a recorded easement on the private road segment before the route enters BLM and has acquired written permission to use the other private road after the route enters BLM lands.

The applicant estimates they would plan to haul up to 20 loads or 560 tons per day for 4 to 6 days per week. At this rate, they estimate as little as 15 weeks to haul the estimated 50,000 tons, but mining rates, weather interruptions, and the seasonal road closure, warrants an authorization for 3 seasons to complete their hauling.

The applicant proposes to minimize road improvements, but the existing road requires repairs to damage caused by water runoff. On the BLM road, the applicant would grade, add gravel and install water bars/swales, where needed. Drainage improvements are needed to get the water off the road to prevent deterioration of their proposed road improvements. Before the project is completed, the applicant would repair any damage to the improvements. There would be no more than a 12 foot driving surface within the 24 foot wide right-of-way. No new ditches would be constructed in areas, where they do not already exist, unless requested by the BLM authorized officer to improve water drainage. The applicant proposes to clean out only existing side ditches that would improve the drivability of the road. When ditches are cleaned, the material would be placed on the road and graded out smooth. Any organic material, not appropriate for the road bed, would be hauled up to the Golden Asset Mine and either stockpiled for later use or spread in areas that would benefit from organic material. If the applicant adds gravel, it will be to minimal thickness necessary to improve the drivability of the road for the intended use. The gravel would be spread to the width of the driving surface and the thickness will be variable depending on need. The proponent would notify the BLM office at least two days in advance of when any grading or improvements begin.

The current layout of the road would not change and no turnouts added, but wide spots in the existing road would be graded and graveled to function as turnouts. Water bars/swales should be sufficient for the BLM road segments. In the event there is a location where these features are insufficient, a French drain and/or culvert may be installed.

The applicant would be responsible for weed control on the disturbed areas within the limits of the right-of-way for the term of the grant. All heavy equipment and off-road vehicles would be cleaned to remove weed and weed seeds prior to starting construction and prior to using the access roads into public lands. The right-of-way would be treated with BLM approved herbicides and follow Jefferson County Weed Board acceptable weed control methods.

The applicant would also be responsible for dust abatement. Water trucks would spray water to minimize fugitive dust during dry or high use periods of hauling and construction.

CHAPTER 3

AFFECTED ENVIRONMENT/ENVIRONMENTAL IMPACTS

INTRODUCTION AND GENERAL SETTING

The BLM lands and the Troy Creek drainage involved in this proposed action rest on the west side of the Elkhorn mountain range between the towns of Boulder and Clancy, Montana, in Jefferson County. The Elkhorn mountain range is an approximately 300,000 acre area cooperatively managed by private landowners, the BLM, the Forest Service and the Montana Department of Fish, Wildlife and Parks. About 70 percent of the Elkhorns is publicly owned. The management emphasis is on wildlife and dispersed recreation. One of the state's healthiest elk herds inhabits the Elkhorns. Many areas are open to motorized use, although selected areas, including big game winter range, are closed either year-round or seasonally to protect wildlife values.

This mountain range is an inactive volcanic mountain range with the highest peaks at 9,414 ft., Crow Peak, and 9,381 ft., Elkhorn Peak. The elevation of the BLM lands affected varies from 5,400 feet to 6,750 feet. The average minimum/maximum temperatures for nearby Jefferson City are 9°/29° Fahrenheit in January and 52°/83° Fahrenheit in July. The lands affected would be primarily composed of Douglas-fir/ponderosa pine forest types at the lower elevations transitioning into subalpine fir/lodgepole pine forest types at the highest elevations. Much of this Troy Creek area has been impacted by extensive mortality caused by pine beetles.

Determination*	Resource	Rationale for Determination
NI	Air Quality	Some dust particles associated with road maintenance and truck hauling can be expected, but any effects would be minimal, highly localized, and short-term. As soon as the activity is completed, it would quickly clear up. Use of a water truck to wet the road during construction would greatly reduce fugitive dust.
PI	Areas of Critical Environmental Concern	Existing road is in an ACEC, as determined by the RMP. Motorized travel would be "limited" to designated routes in order to protect wildlife and non-motorized recreation values. Existing road closures will be maintained and enforced per the 1995 Elkhorns travel plan.
NP	Cultural Resources	Class III inventory was performed July 16, 2013. No cultural resources or historic properties were recorded during that inventory.
NP	Environmental Justice	No alternative considered in the course of this analysis resulted in any identifiable effects or issues specific to any minority or low income population or community as defined in Executive Order 12898.
NP	Farmlands (Prime or Unique)	No Prime or Unique Farmlands are found in the project area.
NP	Floodplains	None.
PI	Invasive, Non-native Species	Spotted knapweed, thistles, and Dalmatian toadflax are noxious weeds growing in the project area. The applicant would be responsible for weed control on disturbed areas within the limits of the right-of-way. The right-of-way would be treated with BLM approved herbicides and follow Jefferson County Weed Board acceptable weed control methods.
NP	Native American Religious Concerns	A Class III cultural resources inventory was performed July 16, 2013. No features or artifacts that would indicate religious concerns were observed.
NP	Threatened, Endangered or Candidate Plant or Animal Species	No ESA-listed plant or animal species occupy the action area. Grizzly bears (Threatened), lynx (Threatened), or

		wolverine (Proposed) may occasionally migrate or disperse through the area but no individuals of these species permanently reside in the area.
NI	Wastes (hazardous or solid)	No hazardous materials or waste will be used, produced, transported or stored on or within the right-of-way or used in the construction, maintenance or termination of the right-of-way. Any sizeable oil and/or lubricant spills from equipment would be cleaned up by approved methods.
NP	Water Quality (drinking/ground)	DEQ took baseline water samples. Proposed mining on private land administered under Small Miner Exception Statement, where the action proposed in the “statement” would not impact creeks. Hardrock mining and resulting ore would not impact water sources. Water drainage improvements proposed for the existing road would also reduce sediment movement that has been occurring on the existing road.
NI	Wetlands/Riparian Zones	Proposed action is not expected to increase erosion or runoff from the existing road and reach Troy Creek riparian zone. Water drainage improvements proposed for the existing road would reduce existing negative impacts from the existing road condition.
NP	Wild and Scenic Rivers	None present as determined by RMP
NP	Wilderness	Not present in the area impacted by the proposed action. The Elkhorn Tack on wilderness study area (WSA) is in close proximity, but the subject, seasonally open road is outside the WSA.

*Possible determinations:

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present and may be impacted to some degree. Will be analyzed in affected environment and environmental impacts.

(NOTE: PI does not mean impacts are likely to be significant in any way).

WILDLIFE

Affected Environment

Wildlife in the project area is expected to be typical of forested areas in southwestern Montana. However, wildlife surveys specific to the project area have not been conducted, primarily due to lack of access across adjacent private land. Basic life history and habitat requirement information

on all species mentioned below can be found at <http://fieldguide.mt.gov/> and numerous other sources.

Mammals The project vicinity provides year-round habitat for elk and mule deer, and summer habitat for moose. Big game security habitat is not present in the proposed action area. Predators likely to occur include black bear, mountain lion, and coyote. Many other small mammal species are associated with forested habitat including American marten, northern flying squirrel, redback vole, porcupine, snowshoe hare, red squirrel, deer mouse, dusky and vagrant shrews, and golden-mantled ground squirrel.

Birds Many species of migratory and nonmigratory birds are expected to inhabit the project area. Some examples of species that could occur in the immediate area of the proposed route include golden-crowned kinglet, brown creeper, boreal owl, hermit thrush, yellow-rumped warbler, mountain chickadee, red-breasted nuthatch, gray jay, pine siskin, red crossbill and ruby-crowned kinglet.

Fish Troy Creek runs near the proposed route for slightly over 100 yards on BLM land in Section 30. There is no data on fish populations in this creek (Montana Fisheries Information System 2012). Two other ephemeral reaches occur on BLM land that cross or are adjacent to the route in this section. These reaches do not support fish.

Reptiles and amphibians Reptiles that could occur in the project area include the eastern racer, rubber boa, gopher snake, terrestrial and common garter snakes, and prairie rattlesnake. Amphibians that could occur in the project area are Columbia spotted frog and western toad. Other reptiles and amphibians are unlikely to occupy the area.

Special Status species No species listed under the Endangered Species Act (ESA) are permanent residents of the project area, although it is possible that a grizzly bear, lynx, or wolverine may occasionally migrate or disperse through the site.

Species designated as BLM Sensitive in Montana that could occur within the proposed route vicinity are listed in the table below: Species	Habitat Notes	Likelihood of Occurrence in Project Area
Gray wolf	Habitat generalist, may occur anywhere native ungulates occur. Range is expanding.	Likely that individuals occasionally use the area but no resident packs are known in the vicinity. One pack is known to occur in the central portion of the Elkhorn Mountains with an estimated size of six individuals (Bradley et al. 2013).
Long-eared myotis	May be present yearlong in MT but the majority of this species likely migrate south in fall. Typically found	May occur; however, forest stands adjacent to the proposed route do not have old-growth characteristics.

	alone or in small groups. Associated with forested stands with old-growth characteristics. Will roost in caves, mines, trees, rock outcrops. Uses caves and mines for maternity colonies.	
Long-legged myotis	May be present yearlong in MT but many individuals of this species likely migrate south in fall. Uses tree bark and caves for summer roost sites. Winter hibernacula are in more protected caves and mine tunnels.	May occur; bat surveys have not been conducted in the area.
Bald eagle	Prefers forested habitat near rivers and lakes in summer. Winter habitat may include more upland sites.	May fly over the area and hunt in the vicinity in winter. However, preferred habitat near rivers or lakes is not present.
Flammulated owl	Prefers dry, mature, open forest stands. Nests in cavities.	Could occur in the area. However, the forest along the route is not mature; trees are mid-size. Existing tree cavities along the route were not observed during a field visit.
Golden eagle	Nest on cliffs and in large trees. Mostly hunts over open habitat.	May use the area occasionally but open habitat for hunting is present in only very limited spots.
Great gray owl	Uses lodgepole pine/Douglas fir forests in Montana. Makes or uses existing stick nests.	Could occur in the project area. Surveys have not been conducted.
Northern goshawk	Prefers forested stands with large trees, dense canopy, and open understory.	Could occur in the project area but preferred habitat is not present; habitat present is more favorable to smaller accipiters.
Three-toed woodpecker	Uses coniferous forest habitat. Nests in cavities.	Could occur in the project area. Surveys have not been conducted.
Western toad	Habitat includes beaver ponds, streams, wet meadows.	Could occur along the lower end of the route in section 30. Habitat is not present above this section.

Impacts of No Action

Disturbance to wildlife from haul traffic would not occur. Sedimentation to Troy Creek and ephemeral reaches resulting from condition of the road would continue. No effects are anticipated to species listed as Threatened or Endangered under the ESA.

Impacts of Action

Effects of roads on vertebrate wildlife populations act along three lines: direct effects such as habitat loss and fragmentation; road use effects, such as traffic causing vertebrate

avoidance or road kill; and additional facilitation effects, such as overhunting or overtrapping, which can increase with road access (Gucinski et al. 2001). The proposed action would not result in habitat loss and fragmentation, since the road already exists. Facilitation effects such as overhunting would not occur since access to the BLM segments of the haul route are not available to the general public through private property.

The proposed route is a low-speed route. The limitations of typical ore hauling truck would make it difficult to exceed much more than 15 MPH on this off highway route. Speed of traffic is directly related to the rate of roadkill mortality, and direct mortality on low-speed forest roads is not usually an important consideration for big game. Forest carnivores can be more vulnerable, because they have large home ranges that often include road crossings. Low-speed roads in forests pose a greater hazard to small, slowly moving, migratory animals such as amphibians (Gucinski et al. 2001, citing Lyon 1985, Baker and Knight 2000, Langton 1989). Due to the low speed nature of the route and focus required of drivers hauling full loads, roadkill of wildlife would likely be limited to the possibility of western toads in the lower portion of the route in Section 30, or other small animals.

The primary negative effect of the proposed action on wildlife would be avoidance of the area near the route due to increased traffic and noise. Much research has been conducted on road effects on elk. Elk are known to avoid areas near open roads. This response varies in relation to traffic rates, extent of forest cover adjacent to roads, topography, and type of road. Bull elk tend to have a stronger avoidance of areas close to roads than do cow elk (Rowland et al. 2005). Songbirds can be sensitive to very low noise levels (Forman and Alexander 1998), and nesting birds could avoid the area near the road during hauling. The results of this aspect of the proposed action would likely be a displacement of wildlife away from the road during hauling operations, temporarily reducing the amount of effective habitat. Individual energy expenditure would increase in avoiding the route, and some increased competition for resources away from the road could occur. The exact amount of displacement cannot be determined at this time, but would likely be minimized by forest cover along the route, low speeds, and topography.

No effects are anticipated to species listed as Threatened or Endangered under the ESA.

One positive effect of the proposed action would be road maintenance which would occur, and the associated reduction of runoff and sedimentation into Troy Creek and the ephemeral reaches. The reduction of sedimentation would benefit any amphibians, fish, and aquatic invertebrates present.

NOXIOUS WEEDS

Affected Environment

Noxious weeds, designated by state law and county weed boards, are non-native species that invade areas of native vegetation and replace native species. They are aggressive invaders, especially of disturbed soils, and decrease habitat value for wildlife, reduce range productivity for livestock, and increase costs for other land management activities.

A substantial number of these infestations occur adjacent to roads, power lines, streams, ditches, and canals indicating vehicles and water are primary carriers of weed seed. Noxious weeds and non-native, invasive species are spreading rapidly in much of Western Montana.

Noxious weed infestations are causing adverse impacts on native plant communities, hydrological cycles, wildlife habitat, soil and watershed resources, recreation, and aesthetic values. Dalmatian toadflax and Spotted Knapweed are the primary noxious weeds that can thrive on these disturbed sites.

Impacts of No Action

Under the no action alternative, the BLM public road would not be repaired, maintained, or used for ore hauling. The proponent would not be responsible for weed management on the route, either. The access to the existing BLM road would continue to be limited by the private parcels with no administrative access. Therefore, noxious weed management would remain restricted. The existing road has ongoing disturbance along some segments caused by water damage, which provides potential seedbed for noxious weed spread. This public road remains open, but can only be used by the private landowner's and their authorized wood cutters, hunters, and other users. The existing use and conditions would continue to be an avenue for noxious weed spread. The opportunity to increase weed treatment, along the road, would be foregone.

Impacts of Action

Reconstructing the subject road would disturb the soil in this area and create a seedbed that would encourage additional weed and nonnative invasive plant growth. However, the holder would be responsible for noxious weed management in the right-of-way corridor, which would limit the potential spread. Although the repairs to the road would create an initial seedbed for noxious weed spread, the proposed water drainage features added during reconstruction would provide long term stability for the road and thereby improve long term resistance to disturbance and seedbed.

CONNECTED ACTION EFFECTS

Smith Contracting's proposed mining operation at the Golden Asset Mine is located on non-federal land, but is completely surrounded by BLM administered public lands. Therefore, the proposed mining operation is contingent upon acquiring a BLM right-of-way authorization to haul ore across public lands on BLM road. The mining operation would be a connected non-Federal action. Since the non-federal action effects can be prevented by BLM decision-making, the effects are properly considered indirect effects of the BLM action.

Under Montana Code Annotated 2013 (MCA), 82-4-305, the applicant would mine hard-rock under their Small Miner's Exemption Statement (SMES), which is not actually a permit or license per se, but an "exclusion" from obtaining an operating (full-scale mining) permit. It consists of a signed and notarized affidavit stating the operator would stay within the requirements or conditions of the exclusion. Those conditions are:

- A. The operator will conduct an operation resulting in not more than 5 acres of surface disturbance.
- B. The operator cannot pollute or contaminate any stream.
- C. The operator provides DEQ with an appropriate map of his/her operation, and files a renewal annually that describes what has been done in the past year, and what is proposed for the coming year.
- D. The operator must comply with the Noxious Weed Management Act

Indirect effects to the surrounding lands would concentrate on the noise generated by the mining operation. The noise would affect wildlife movement patterns during the 3 year term of operation and temporarily reducing the amount of effective habitat. Individual energy expenditure would increase in avoiding the immediate area, and some increased competition for resources away from the mine could occur. Public recreation values would also be affected by the noise, thereby temporarily decreasing the enjoyment and/or use by some recreationists (hiking, hunting, wildlife viewing, etc.).

CUMULATIVE EFFECTS

Cumulative impacts are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

The analysis area has seen a variety of activities over the past century, including mining activity, development of roads, development of private lands surrounding the public domain, and livestock grazing. The subject road was improved and rerouted as a haul road for the old Golconda Mine back in the 1980's until the mine was closed down. The

area is expected to continue to see increased recreational use. Forms of motorized use on existing designated routes are restricted to adjacent landowners and the select public authorized by them to use their private roads for access to public lands. Other forms of non-motorized recreation (hiking, hunting, wildlife viewing, etc.) is also expected to increase as future development of the surrounding private lands increases as well as the ongoing increased demand for recreation opportunities with population growth.

Livestock grazing in the area is expected to continue as private ranch lands intersperse with public domain lands in the area. Aspen Valley Ranches is a subdivision of 20 plus acre parcels with nearly 25 parcels within a mile and well over 50 parcels with a few miles of the subject access road. There is limited development at this time, but it is reasonable to expect future development of this subdivision as well as others for residential use either as yearlong or seasonal homes, a trend that continues to occur throughout western Montana.

With the on-going development of nearby and adjacent private lands, this area has become increasingly important to wildlife. The residential growth will continue to increase demand and pressure on the public roads open to motorized vehicles.

Approval of this 3 year right-of-way would result in increased traffic and increased use of these public lands for 3 operational seasons (May 16 - Dec. 1). This increase in traffic and human influence would cause a short term effect on wildlife movements during the authorization period. The increased use would also affect some uses of the surrounding public lands (hiking, hunting, wildlife viewing, etc.), but these uses are already limited by surrounding private landowners controlling access. Adjacent landowners would be primarily affected rather than public at large. While some habitat impacts would be temporary in nature (equipment noise, ground disturbance, some dust), other impacts would be longer-lasting and beneficial, such as road repairs and water drainage features to reduce sediment movement caused by the existing road conditions as well as economic benefits for local communities.

REFERENCES

Bradley, L., J. Gude, N. Lance, K. Laudon, A. Messer, A. Nelson, G. Pauley, M. Ross, T. Smucker, and J. Steuber. 2013. Montana Gray Wolf Conservation and Management 2012 Annual Report. Montana Fish, Wildlife & Parks. Helena, Montana. Pp 55.

Forman, R.T.T., and L.E. Alexander. 1998. Roads and their major ecological effects. *Annual Review of Ecological Systems*. 29: 207-31.

Gucinski, Hermann; Furniss, Michael J.; Ziemer, Robert R.; Brookes, Martha H. 2001. Forest roads: a synthesis of scientific information. Gen. Tech. Rep. PNWGTR-509. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 103 p.

Montana Fisheries Information System. 2013. <http://fwp.mt.gov/fishing/mFish/>. Accessed 8/14/13.

Rowland, M. M., M. J. Wisdom, B. K. Johnson, and M. A. Penninger. 2005. Effects of Roads on Elk: Implications for Management in Forested Ecosystems. Pages 42-52 in Wisdom, M. J., technical editor, The Starkey Project: a synthesis of long-term studies of elk and mule deer. Reprinted from the 2004 Transactions of the North American Wildlife and Natural Resources Conference, Alliance Communications Group, Lawrence, Kansas, USA.

CHAPTER 4 PERSONS, GROUPS, AND AGENCIES CONSULTED

During preparation of the EA, the public was notified of the proposed action through a posting on the Butte Field Office NEPA log on May 31, 2013. Contacts established in response to the notice are shown below. Data collecting site visits were conducted in combination with external scoping. Interest, questions, and concerns came from adjacent landowners in the Aspen Valley Ranches subdivision.

The EA and unsigned FONSI will be made available for public comment before any final decision is issued.

Table 4.1. List of Persons, Agencies and Organizations Consulted

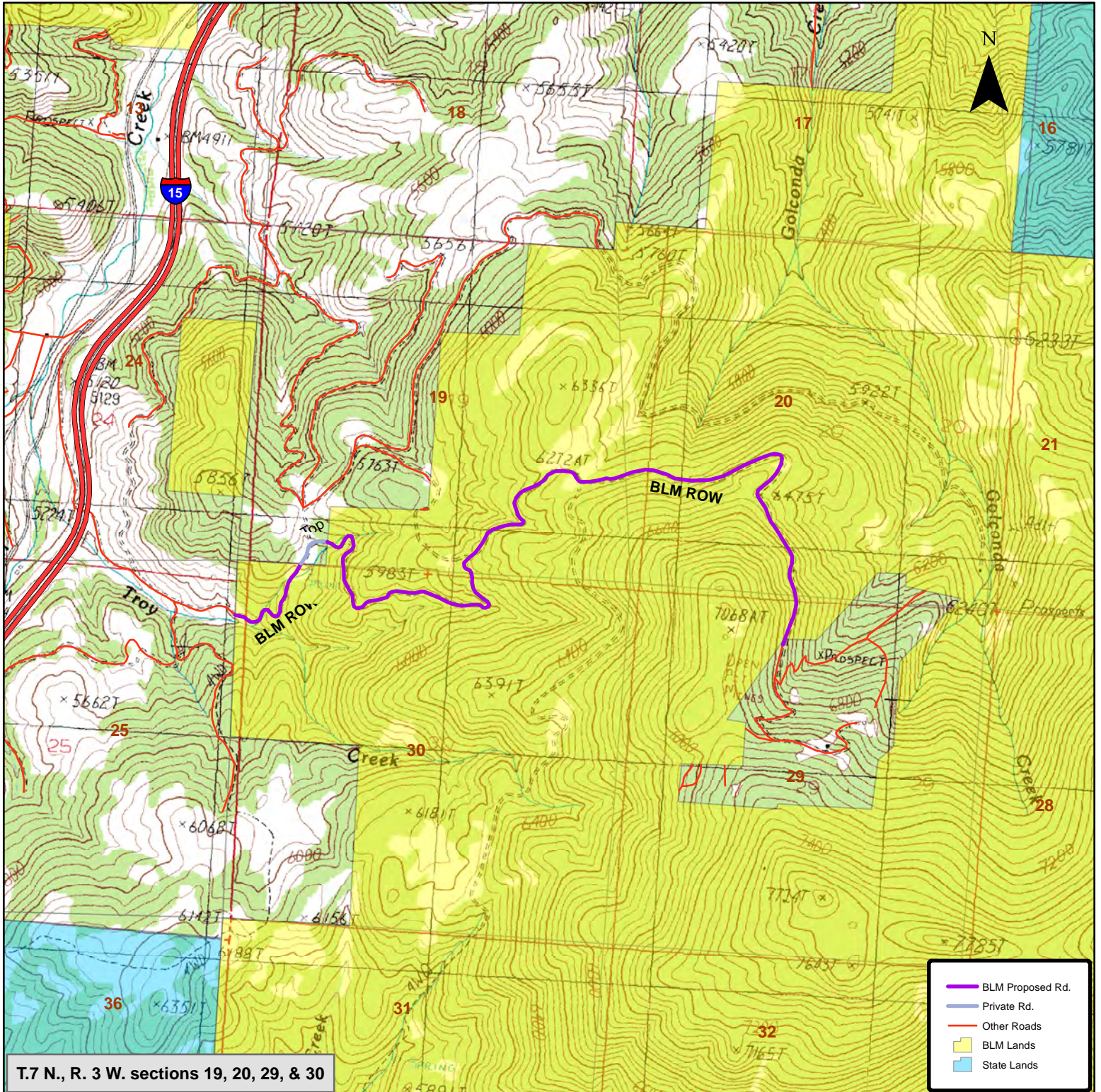
Name/Agency	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Gary Ogilvie	<i>Adjacent landowner</i>	<i>Access road goes through his property. Existing road has erosion issues. Proposed action includes measures to repair road and provide water drainage features to minimize the degradation of the road and sediment entering Troy Creek.</i>
William R Dubrul	<i>Interested landowner</i>	<i>Provide a public comment period before decision.</i>
Robert Cronholm, State of Montana, Department of Environmental Quality	<i>Consult with MTDEQ as the state agency with authority over the mining on private land.</i>	<i>Clarified the limits of the proposed mining operation, which refined the proposed action. Mining restricted to Small Miner's hard rock open pit mining. Chapters 2 and Chapter 3.</i>

List of Preparers

Table 4.2. List of Preparers

Name (and agency, if other than BLM)	Title	Responsible for the Following Section(s) of this Document
Michael Wyatt	Realty Specialist	Project Leader, Coordination, Quality Control, Chapter 1 input, Chapter 2 input, etc.
Scot Franklin	Wildlife Biologist	Impact analysis for wildlife management.
Carolyn Kiely	Archeologist	Cultural Resources/Native American Religious Concerns; Class III cultural survey
Joan Gabelman	Geologist	Minerals and Review
Bradley Rixford	Recreation Planner	WSA Review
Lacey Decker	Weed Specialist	Chapter 3 Review
Brad Colin	Recreation Planner	ACEC and Travel Management Review
Eric Broeder	Rangeland Management Specialist	Riparian/Wetlands and Review
Roger Olsen	Rangeland Management Specialist	Sensitive Plants Review
Corey Meier	Assistant Field Manager Non-Renewable Resources	Soils, Hazmat, Review

Golden Asset Access Road Right-of-Way MTM-106022



0 0.25 0.5 1 Miles

1:24,000
1 inch = 2,000 feet

M. Wyatt, 09/12/2013

