

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

US Geological Survey ROW
MTM-105767

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0127-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
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Miles City, Montana 59301
406-233-2800

BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0127-EA
	DATE ENTERED: 4/8/2013
NAME: U.S. Geological Survey ROW MTM-105767 for Road and Well Sites	DATE DUE: 4/30/2013
	FUNDING: USGS
LOCATION: T. 5 S., R. 43 E., Section 2, Lot 1 and NW1/4SW1/4NW1/4. Rosebud, Montana	SERIAL #: MTM-105767

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Beth Klempel	Realty Specialist	Project Coordinator and Lands and Realty

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Dale Tribby	Wildlife Biologist	Wildlife/T&E	04/30/13 <i>dct</i>
Doug Melton	Archaeologist	Cultural/Paleo	04/30/15 DM Cultural Report MT-020-13-157
Brenda Witkowski	Natural Res. Spec.	Weeds	4/30/13 BSW
Chris Robinson	Hydrologist	Hydrology	4/15/13 CWR
Dena Lang	Outdoor Rec. Planner	Wild./VRM/Rec.	4/15/19 DJL



ENVIRONMENTAL COORDINATOR

5/6/2013

DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0127-EA **Serial Number:** MTM-105767

PROPOSED ACTION/TITLE TYPE:

U.S. Geological Survey Right-of-way MTM-105767

LOCATION OF PROPOSED ACTION:

Principal Meridian, Rosebud County, Montana

T. 5 S., R. 43 E., Section 2, Lot 1 and NW1/4SE1/4NW1/4

PREPARING OFFICE: Miles City Field Office

APPLICANT: U.S. Geological Survey

DATE OF PREPARATION: April 8, 2013

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River Resource Area RMP/EIS ROD approved on March 15, 1985. On page 4 of the Record of Decision, it states that all right-of-way (ROW) applications will continue to be approved on a case-by-case basis with appropriate stipulations. The proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5.

PURPOSE AND NEED: The U.S Geological Survey (USGS) is requesting to drill and install three water monitoring wells at the USGS Tongue River methanogenesis research site. The well sites and access road would be located on Federal land near Gate Creek in Rosebud County, MT. The wells would be used to collect hydrogeologic data and additional core and water samples from the Flowers-Goodale (FG) coal bed and adjacent lithologic bodies. There are currently 6 water monitoring wells located in the NW1/4SE1/4NW1/4 Section 2, T. 5 S., R. 43 E., that were drilled and installed in 2009 and 2011 and were authorized under a Memorandum of Understanding (MOU) between the BLM and USGS and a BLM Categorical Exclusion, [S:\NEPA_EA\MCFO_EA_Final\OIL & GAS EAs & DNAs\Minerals CXs\USGS](#). The MOU expired September 30, 2011.

PROPOSED ACTION: The proposed action would be for U.S. Geological Survey to obtain a right-of-way for the following; an existing 2-track road for access to the well sites, the 6 existing monitoring wells and the 3 new proposed water monitoring well sites on Federal land (Public Domain). The access road and 3 new well sites would be located in Lot 1 of Section 2, T. 5 S., R. 43 E., Rosebud, Montana. The same road would be used to access the 6 existing wells located in NW1/4SE1/4NW1/4 Section 2, T. 5 S., R. 43 E., Rosebud, Montana (see attached maps).

This right-of-way is necessary for USGS to drill and install 3 monitoring water wells on one site and have access to the existing 6 sites in the same area. The road portion of the right-of-way would be 12 feet wide, 1,350 feet long, and consist of 0.37 acres, more or less. The 9 well sites incorporated into the right-of-way would be 200 feet wide by 200 feet long, and consists of 0.92 acres, more or less. The total acreage for the right-of-way would be 1.29 acres, more or less. This right-of-way would start where the two-track road enters Federal land in Lot 1 of Section 2, T. 5 S., R. 43 E. and would end at the well sites in the NW¹/₄SE¹/₄NW¹/₄ of Section 2, T. 5 S., R. 43 E. Alternative sites were considered, but were not feasible because there was no access to them.

The access road is an existing two-track and would not be improved. Access would be from the county road, Tongue River Road. No new access routes would be needed. The road would be used on a year-around basis. The road use would cease if precipitation occurs and would not resume until the ground is sufficiently dry to eliminate surface damage by construction equipment. No known hazardous materials would be used at any time on the road right-of-way. The road would require minimal expenditures for operation and maintenance. Periodic inspections would be conducted by USGS personnel to ensure the road is drivable. Right-of-way maintenance and use would be monitored by the BLM.

Three monitoring wells would be installed at the well site. At the first site (MT-FG-13-P), the drill rig would be set up, a 20-ft section of 6-in steel surface casing would be set and cemented into bedrock material, and a rotary (non-core) hole would be drilled through the full thickness of the Flowers-Goodale coal bed (~ 367-395 ft) to a depth of about 400 ft. Once drilled, geophysical logs would be collected from the open bore to determine the exact depth of the FG coal. A 2.5-in schedule 80 PVC monitor well with a 10-ft section of slotted screen isolated in the FG coal would then be set, packed with silica sand, and grouted to land surface with high-solids bentonite abandonment grout and portland cement.

The second well (MT-FG-13-M) would be drilled in the same manner as the first well with the exception that the rotary hole would only be drilled to a depth of about 365 ft. At that point, the rotary drill bit would be removed from the hole and a core barrel inserted. A total of 30-40 ft of 2.5-in diameter core would then be collected from the Flowers-Goodale coal bed and adjacent strata. Once coring is finished, geophysical logs would be collected from the hole and a 2.5-in PVC well would be installed as per well MT-FG-13-P.

The third well (MT-SS-13) would be drilled in the same manner as the others with the exception that the rotary hole would bottom in the sandstone unit immediately overlying the FG coal at a depth of about 360 ft. Geophysical logs would likely not be collected from this well. A 2.5-in PVC well would then be set with a 10-ft slotted screen isolated in the sandstone unit. The well would then be grouted to surface as per the previous wells.

A lockable steel cover would be installed over each well when completed.

The vehicles required would include a small, truck-mounted drill rig, a water truck and 2-3 drill-related trailers. Drilling crews would consist of 3 people plus a 2-3 person science crew. All funding for this effort would be provided by the USGS. The USGS hopes to conduct drilling activities in May 2013 to avoid the dry, fire-prone conditions that typically exist in the area later in the year. The drilling activities would be conducted in a 2 week period. Monitoring of the well sites would take place 3-4 times a year and last from 2-7 days involving 1-2 people and a pick-up truck with a small trailer.

Termination activities for the Federal surface area would be conducted in much the same manner as construction activities. Access would be available along the same route. The road would not be reclaimed.

The right-of-way would be issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The right-of-way would be subject to the terms and conditions in 43 CFR 2800, the terms and conditions and stipulations specified below, and mitigations set forth in the application and plan of development. USGS has requested a right-of-way term for a period of 20 years and be renewable.

The standard stipulations for cultural and/or paleontological resource protection and toxic substances would be made a part of the right-of-way grant, as would the standard stipulation that all activities associated with the right-of-way would be conducted within the authorized limits of the grant. The applicant shall be responsible for weed control on disturbed areas within the limits of the right-of-way. There would be no

construction or routine maintenance when the soils are too wet. The right-of-way would be subject to mitigations set forth in the application and plan of development. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands. The proper seedmix would be used for reclamation. All road operation, maintenance, reconstruction, design, material, and termination shall be made in accordance with the BLM Manual 9113 Road Standards.

ALTERNATIVE 1 - NO ACTION: The no action alternative would be not to allow USGS a right-of-way across Federal land or the installation of new monitoring wells and existing well sites.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources	X		
Air Quality		X	
Cultural or Historical Values		X	
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns			X
Wastes, Hazardous or Solids		X	
Invasive, Nonnative Species		X	
Environmental Justice		X	

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: forestry, riparian, wilderness, wild horse/burro, fire, geology, minerals, noise, and weeds.

Cultural: The location of the proposed monitoring wells was examined for cultural resources in 2009 and 2011. The section had also been examined for the Montco Mine Project and as part of the Alluvial Valley Floor Project. The well locations were found to be outside of previously recorded site boundaries. (See BLM Cultural Resources Report MT-020-13-157) The proposed action would have no effect to historic properties. Geologically, the proposed drill holes are in areas of Quaternary Alluvium and the Tongue River Member of the Fort Union Formation. Both formations have a Potential Fossil Yield Classification (PFYC) rating of 3a. Paleontological investigations for the proposed Montco mine which included the section, did not record any scientifically important paleontological localities.

Lands/Realty: There are no existing, BLM-issued rights-of-way or permits in the area of the proposed project.

Recreation: The area is accessible to the public via the Custer Forest Service land which border the BLM public land on the south and east side of Section 2, T. 5 S., R. 43 E. Hunting is the primary recreational activity in the proposed area; however, hiking, trapping, and horseback riding, may occur as well.

Vegetation: The principal forage species are blue grama, western wheatgrass, and needle-and-thread. The distinguishing feature is the general prevalence of sagebrush in minor quantities throughout this type. The sagebrush in local situations assumes dominance in the aspect while in other local areas it fades out almost completely, but over most of the sub-type it is in sufficient quantity to lend character to the aspect. The difference between this sub-type and a somewhat similar sub-type in southeastern Montana is that the latter had buffalograss as a common species, while the central grasslands do not. Other common grass species are Sandberg bluegrass, green needlegrass, plains reedgrass, bluebunch wheatgrass, prairie junegrass, and plains muhly. Common shrubs are broom snakeweed, plains pricklypear, fringed sagewort, and silver sagebrush. Common sedges are threadleaf sedge and needleleaf sedge. Common forbs are phlox, wildbuckwheat, and scarlet globemallow. Spotted knapweed and leafy spurge is prevalent in areas close to this project area. There are no known infestations at project site.

Water Resources: The proposed action is located within the Tongue River Member of the Fort Union Formation. Review of data from Montana Bureau of Mines and Geology Groundwater Information Center (<http://mbmgwic.mtech.edu/> [accessed 4/15/13]) indicates that 2 wells are present within one mile of the proposed action, but these wells are completed in the Tongue River and Gate Creek alluviums. These wells range in depth from 53 to 744 ft (with static water levels from 15 to 18 ft). They are used as a source of domestic water and for stock watering. The nearest wells completes in the Tongue River Member of the Fort Union Formation are located approximately 2 miles northwest of the proposed action. These wells range in depth from 125 to 160 ft (with static water levels from 43 to 100 ft). They are used as a source of domestic water.

The proposed action is located along Gate Creek, an intermittent stream in the Lower Tongue River watershed (HUC 10090102). Drainages in the area are largely ephemeral in nature and only flow as a result of snowmelt or precipitation events. Peak flows generally occur March through May. Intense flows of short duration occur throughout the summer following thunderstorms. Gate Creek is not listed as impaired, but the Tongue River is MT-DEQ listed under §303(d) of the Clean Water Act as impaired due to solids (suspended/bedload), iron, and low-flow alterations. The impairment has been attributed to irrigated crop production, streambank modifications/destabilization, impacts from hydrostructure flow, regulation/modification, and natural sources.

Wildlife: Habitat within this area supports game species including mule and whitetail deer, and elk. Non-game species include songbirds, raptors, small mammals, prairie dogs, and others. The project area provides habitat for nesting migratory birds, protected via the Migratory Bird Treaty Act. The general nesting season is from April 15 through July 15. The proposed ROW and the well site are located within mule and whitetail deer winter range. A sage grouse lek, RO-009A is located approximately 1 mile east of the well sites in the NW1/4 Section 1, T. 5 S., R. 43 E, however the status of the lek is unknown. No T&E species or habitat exists within this area.

Visual Resource Management (VRM): The project area is within a Class III VRM objective. The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes caused by management activities may be evident but should not detract from the existing landscape. The project area consists of rolling hills and flat lands with some elevation change as the area turns into breaks further to the east. Vegetation is predominately sagebrush and grasses which give the landscape a strong gray color with variations in color resulting from different concentrations, heights, density, and season. The texture of the landscape is changes from smooth to coarse in the immediate foreground to middle distance and gets rougher in texture as the distance exceeds. The area is substantially natural in character. There are few structures. There are mostly horizontal lines, with limited structures and only one existing two-track road in the vicinity of the proposed project.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Recreation: Temporary (short term) displacement of recreationists may occur during well site construction, however construction would not last more than 2 weeks.

Water Resources: Drilling could potentially contaminate aquifers with salts, drilling fluids, fluids and gases from other formations, detergents, solvents, hydrocarbons, metals, and nutrients; however appropriate well completion in accordance with rules and regulations for monitoring wells would minimize these impacts.

Local surface water quality may be affected by a temporary increase in sediment from construction activities until vegetation is reestablished but the effects on the watershed would likely not be noticeable. The proposed action is located approximately 220 ft from the nearest drainage, and this buffer would filter sediment out of runoff before it can reach streams.

Wildlife: Temporary displacement of wildlife may occur during vehicle travel along the ROW, and during the drilling activities. This displacement would be expected to be short term, with occupation by wildlife returning to normal shortly following completion of activities in these locations. Should ground nesting birds be present on or adjacent to the project area during drilling or testing, activity may result in birds abandoning the nest sites. Due to the small amount of land present, the number of nests potentially impacted would be small. Human presence may preclude use of winter range by mule deer during that time; therefore, drilling will not occur from December 1 to March 31.

Visual Resource Management (VRM): White PVC piping would attract the attention of the casual observer; with mitigation measures the piping and steel casing could blend with the surrounding landscape. This would be a short term impact as the site would be returned to its original condition when well purpose and use have expired. The structures would be small in nature, compared to the vastness of the landscape, and would not cause strong or substantial impacts to all of the elements of the visual landscape (form, line, color and texture), with the mitigation measures in place.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

There could be an impact to the U.S Geological Survey if we did not allow a right-of-way for the road and the well sites because USGS would not gain data and water samples from the coal bed.

CUMULATIVE IMPACTS:

There would be no cumulative impacts to the resources in this area as a result of this project beyond those already analyzed in the EISs which accompanied the Powder River RMP.

MITIGATION:

The right-of-way grant would be issued under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2800, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the

authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.

4. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.

5. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.

6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

7. The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to insure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of seven (7) days prior to seeding of the project.

Seed Mixture (silty) - Western wheatgrass must be included in the mix. Thickspike wheatgrass may be substituted only when western wheatgrass is unavailable. The combination for the seed mixture must include at least four of

the following species including Western wheatgrass:

<i>Species of Seed</i>	<i>(Variety)</i>	<i>Common Name</i>	<i>Pounds/acre</i>	<i>*(PLS)</i>
<u>Pascopyrum smithii</u>	(Rosanna)	Western wheatgrass		3.00
<u>Pseudoroegneria spicata</u>	(Goldar)	Bluebunch wheatgrass		2.00
<u>Stipa viridula</u>	(Lodom)	Green needlegrass		2.00
<u>Elymus trachycaulus</u>	(Pryor)	Slender wheatgrass		2.00
<u>Stipa comata</u>		Needleandthread		1.00
<u>Bouteloua curtipendula</u>		Sideoats Grama		2.00
<u>Schizachyrium scoparium</u>		Little bluestem		2.00

**Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.*

8. Construction activity and surface disturbance will be prohibited during the period from December 1 to March 31 for the protection of mule deer winter range habitat.

9. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates “Standard Environmental Colors” designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this action is Covert Green.

10. Locate wells so that they are screened from the view from the main access roads with vegetation and landforms using existing topography and existing vegetation; avoid hilltops and ridgelines.

11. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

12. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

13. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

14. Water used in drilling or well completion would be obtained and disposed of in accordance with State regulations/permits.

15. Any trash, waste, or debris will be removed from the ROW following construction.

CONSULTATION/COORDINATION:

Arthur Clark, Geologist, USGS

LIST OF PREPARERS:

Doug Melton, Archaeologist

Bobby Baker, Wildlife Biologist

Chris Robinson, Hydrologist

Melissa Schroeder, Soil Scientist

Dena Lang, Outdoor Recreation Planner

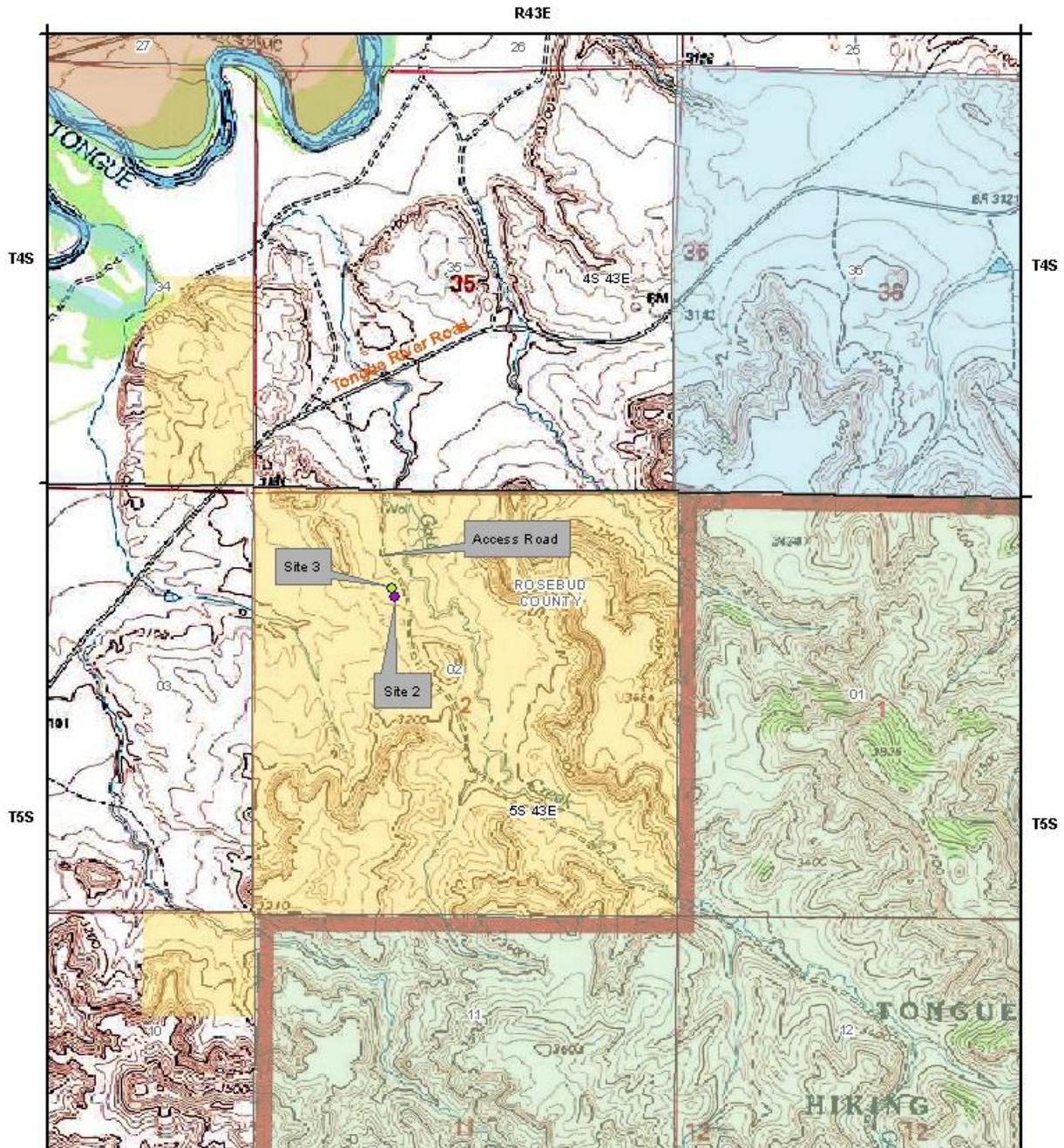
Brenda Witkowski, Natural Resource Specialist (Weeds)

Kathleen Bockness, Environmental Coordinator

Beth Klempel, Realty Specialist



USGS Water Monitoring Wells and Road ROW



- Site 3- 3 new water wells drilled
- Site 2- Consists of 6 existing wells

4.8.2013

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

R43E

- Forest Service
- BLM
- State
- Private

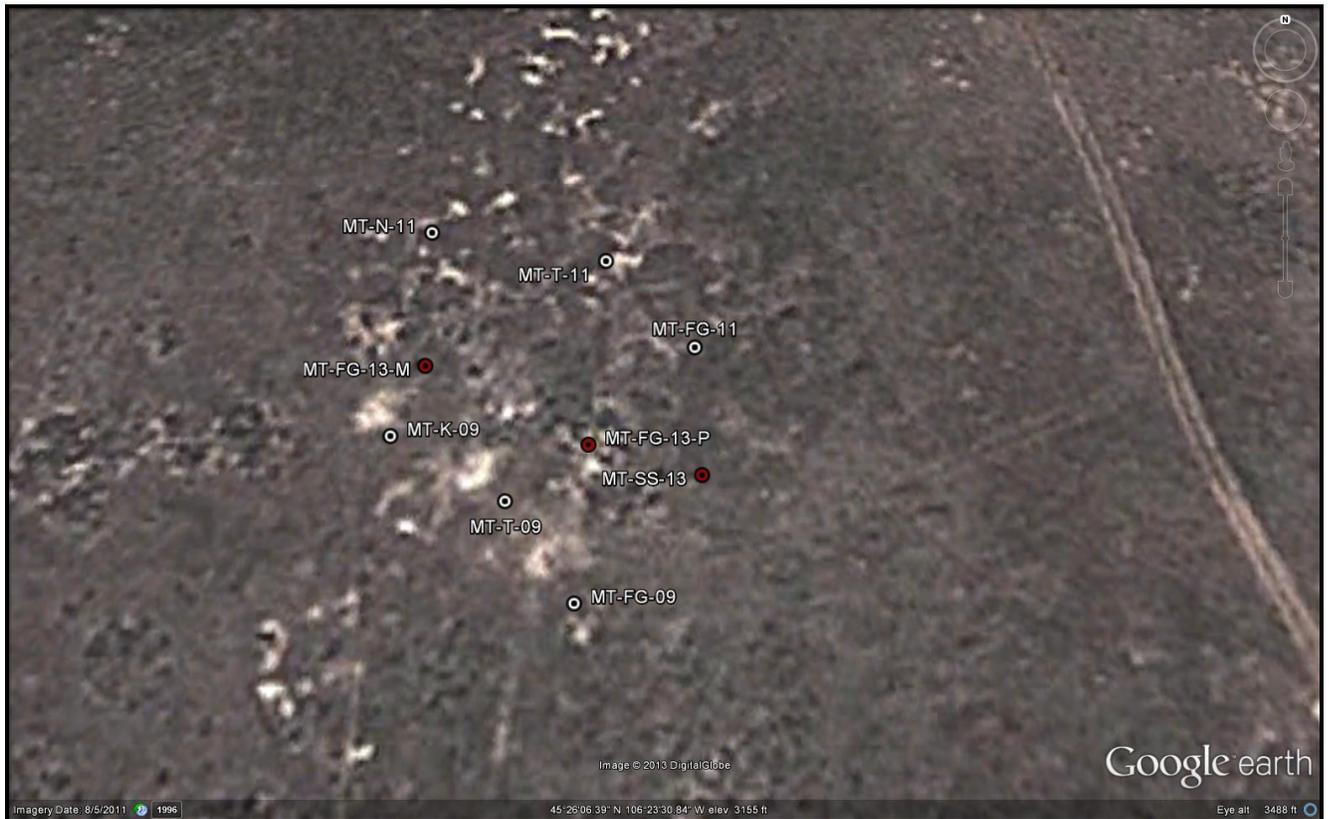
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0 0.075 0.15 0.3 Miles

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.





The Google Earth Map was provided by USGS depicting the 6 existing well locations, MT-N-11, MT-T-11, MT-FG-11 (drilled in 2011) and MT-K-09, MT-T-09, MT-FG-09 (drilled in 2009). The 3 wells proposed to be drilled in May, 2013 are MT-FG-13-M, MT-FG-13-P, and MT-SS-13. All 9 well sites would occupy an area of 200 ft. by 200 ft.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT
USGS ROAD AND WELL SITE RIGHT-OF-WAY MTM-105767
DOI-BLM-MT-C020-2013-0127-EA**

BACKGROUND

The origin of the environmental assessment was due to a request from the U.S. Geological Survey (USGS) to obtain a right-of-way for a site for 3 water monitoring wells, 6 existing well sites and an access road to the sites.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0127-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan.
- (2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Management Plan; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action is a site-specific action which would occur in Rosebud County, Montana which is designated as available for acceptance of ROW proposals in the Powder River RMP. The RMP anticipated that ROW applications would continue to be approved in areas where rights-of-way are allowed and stipulations from the BLM Manual 2800 will be used to protect resource values. The proposed action is in accordance with the Powder River RMP.

Under the Proposed Action, ROW Grant MTM-105767 would be issued to the U.S. Geological Survey to allow them to install three monitoring water wells, monitor the 6 existing well sites in the same location and use an existing two-track road on the following Federal land (PD Land):

Principal Meridian, Rosebud County, Montana

T. 5 S., R. 43 E., Section 2, Lot 1 and NW1/4SE1/4NW1/4.

The well site and road will be authorized with a ROW which will be issued under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

This right-of-way is necessary for USGS to drill and install 3 monitoring water wells on one site and have access to the sites existing 6 sites in the same area. The road portion of the right-of-way would be 12 feet wide, 1,350 feet long, and consist of 0.37 acres, more or less. The 9 well sites incorporated into the right-of-way would be 200 feet wide by 200 feet long, and consists of 0.92 acres, more or less. The total acreage for the right-of-way would be 1.29 acres, more or less. This right-of-way would start where the two-track road enters Federal land in Lot 1 of Section 2, T. 5 S., R. 43 E. and would end at the well sites in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T. 5 S., R. 43 E. Alternative sites were considered, but were not feasible because there was no access to them. It will be authorized for a term of 20 years and be renewable. The proposed project will be constructed, used, maintained, and terminated in conformance with USGS Plan of Development which was submitted with their application. The ROW will be subject to the terms and conditions in 43 CFR 2800, the Plan of Development, the application, and the stipulations listed below.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

1. Impacts that may be both beneficial and adverse. The effects from the proposed project are described in the EA. In addition to mitigation measures included in the project design, BLM developed additional mitigation measures to further minimize or eliminate adverse impacts to other resources and land uses. These additional mitigation measures are identified in the proposed action and are attached to this document as ROW Stipulations. The EA also disclosed a beneficial impact from the proposed project. The applicant will gain information about the impacts that coal bed methane development will have on water levels and water quality. These impacts will be shared with the Bureau of Land Management. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Powder River Resource Area Management Plan.

2. The degree to which the proposed action affects public health and safety. No aspect of the proposed action would have an effect on public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known historic or cultural resource sites that would be affected by the proposed action. Previous inventory has shown the well locations are outside the boundaries of previously recorded sites. The proposed wells would have no effect to historic properties (see report number listed in the EA). There are no parks, prime farmlands, or wild and scenic rivers in the planning area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. "Highly controversial" in the context of 40 CFR 1508.27(b)(4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment.

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. This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or 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 historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

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. There are no threatened or endangered species or habitat in the area of the proposed action.

10. Whether the action threatens a violation of Federal, State, Tribal or Local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, Tribal, or local law. Furthermore, the project is consistent with applicable land management plans, policies, and programs.



Todd D. Yeager
Field Manager

5/6/2013

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION
U.S. GEOLOGICAL SURVEY RIGHT-OF-WAY MTM-105767
DOI-BLM-MT-C020-2013-0127-EA**

DECISION

It is my decision to select the Proposed Action Alternative as described in Montana Bureau of Mines and Geology's EA (DOI-BLM-MT-C020-2013-0127-EA) for 9 well sites and road right-of-way. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in the issuance of a Federal Land Policy and Management Act (FLPMA) ROW to the Montana Bureau of Mines and Geology for a well site and road. The selected alternative is in conformance with the Powder River Resource Management Plan.

ALTERNATIVES

In addition to the selected alternative, the EA considered the "No Action" alternative, which would carry out no management activities at this time.

RATIONALE FOR SELECTION

The purpose of the action is to allow the U.S. Geological Survey a right-of-way for the installation of three water monitoring wells, 6 existing wells and the use of an access road through the following Federal land (Public Domain):

Principal Meridian, Rosebud County, Montana
T. 5 S., R. 43 E., Section 2, Lot 1 and NW1/4SE1/4NW1/4.

This action would be authorized by the issuance of a Federal Land Policy and Management Act ROW grant to the U.S. Geological Survey. The action will allow the U.S. Geological Survey to obtain a right-of-way for the following; an existing 2-track road for access to the well sites, the 6 existing monitoring wells and the 3 new proposed water monitoring well sites on Federal land (Public Domain). The proposed action is in conformance with the Powder River RMP/EIS and will provide USGS access to the well sites which will be used to collect hydrogeologic data and additional core and water samples from the Flowers-Goodale (FG) coal bed and adjacent lithologic bodies.

CONSULTATION AND COORDINATION

The following BLM specialists were consulted: Doug Melton, Archaeologist; Dale Tribby, Wildlife Biologist; Dena Lang, Outdoor Recreation Planner; Brenda Witkowski, Natural Resource Specialist (Weeds); Chris Robinson, Hydrologist; Melissa Schroeder, Soil Scientist; and Beth Klempel, Realty Specialist. Arthur Clark is the contact person for U.S. Geological Survey. The U. S. Geological Survey ROW EA (DOI-BLM-MT-C020-2013-0127-EA) was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the U.S. Geological Survey EA, FONSI and Decision Record are approved, a FLPMA ROW grant will be issued to USGS as described in the subject EA with the identified stipulations included as part of the grant. This decision will be effective immediately. Actions may begin immediately in accordance with any restrictions or constraints imposed by the grant and stipulations. The grant will be monitored for construction, maintenance, use, and termination.

ADMINISTRATIVE REVIEW OPPORTUNITIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision.

The appellant has the burden of showing that the decision appealed from is in error. If the appellant wishes to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If the appellant requests a stay, they have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Todd D. Yeager
Field Manager

5/6/2013

Date

MITIGATION MEASURES/REMARKS:

The right-of-way grant would be issued under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2800, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
4. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
5. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
7. The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to insure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of seven (7) days prior to seeding of the project.

Seed Mixture (silty) - Western wheatgrass must be included in the mix. Thickspike wheatgrass may be substituted only when western wheatgrass is unavailable. The combination for the seed mixture must include at least four of the following species including Western wheatgrass:

<i>Species of Seed</i>	<i>(Variety)</i>	<i>Common Name</i>	<i>Pounds/acre</i>	<i>*(PLS)</i>
<u>Pascopyrum smithii</u>	(Rosanna)	Western wheatgrass		3.00
<u>Pseudoroegneria spicata</u>	(Goldar)	Bluebunch wheatgrass		2.00
<u>Stipa viridula</u>	(Lodom)	Green needlegrass		2.00
<u>Elymus trachycaulus</u>	(Pryor)	Slender wheatgrass		2.00
<u>Stipa comata</u>		Needleandthread		1.00
<u>Bouteloua curtipendula</u>		Sideoats Grama		2.00
<u>Schizachyrium scoparium</u>		Little bluestem		2.00

**Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.*

8. Construction activity and surface disturbance will be prohibited during the period from December 1 to March 31 for the protection of mule deer winter range habitat.

9. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates “Standard Environmental Colors” designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this action is Covert Green.

10. Locate wells so that they are screened from the view from the main access roads with vegetation and landforms using existing topography and existing vegetation; avoid hilltops and ridgelines.

The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

12. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

13. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not

within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

14. Water used in drilling or well completion would be obtained and disposed of in accordance with State regulations/permits.

15. Any trash, waste, or debris will be removed from the ROW following construction