



File Code: 1950/2830
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The Forest Service has received an Operating Plan (OP) from Ms. Peggy Braunberger, to mine gravel. Approval of the OP by the Forest Service is subject to terms and conditions that will provide for adequate protection and utilization of National Forest System (NFS) land and resources. The approved OP would permit the construction of the Elkhorn Gravel Pit (gravel pit) and use of existing roads to access the gravel pit (see Figure 2) and haul gravel.

The gravel pit proposal is located approximately 25 air miles north of Medora, North Dakota within the NW¹/₄ of Section 34, T144N, R102W, Billings County (see Figure 1 Vicinity Map). This area coincides with the Elkhorn Ranchlands that were recently acquired by the US Forest Service.

The surface and subsurface minerals were not included within the acquisition. For federal surface/private minerals, the mineral estate is dominant over the surface estate. The owner of private minerals has the right to use as much of the surface as is reasonably necessary to access and develop the minerals estate. Consequently, the Forest Service must allow reasonable access to private minerals that occur on lands where the Forest Service owns the surface. The surface mineral ownership for this proposal has been verified.

The Elkhorn Ranch and the associated Elkhorn Ranchlands have been nominated as a National Historic District. Historic designations raise the visibility of locations important to our Nation's history. All federal properties are regulated by Sections 106 and 110(f) of the National Historic Preservation Act. Therefore, Section 106 compliance takes effect regardless of designation for eligible properties. This does not preclude an activity from occurring. The Forest Service is a multiple use agency and will maintain management authority and abide by federal law on all acquired lands.

Since the plan amendment for the acquired lands has yet to be completed, the management of the area is covered by direction provided in Chapter 1 (grasslands-wide) and Chapter 2 (badlands geographic area) of the Dakota Prairie Grasslands Land and Resource Management Plan.

The intent of Ms. Braunberger's proposal is to exercise her legal private mineral rights through the development of the gravel pit. The gravel pit will develop reserved and outstanding surface mineral rights located on NFS lands. The total pit area is approximately 24.6 total acres on NFS land. The mined area is approximately 19.4 acres; with a buffer zone surrounding the mined area of approximately 5.2 acres (see Figure 3 Project Map). Total disturbance for the proposed pit and road work is approximately 25.9 acres.

The proposed access route will utilize four existing Forest System Road (FSR) segments (see Figure 2 Project Map): road segment #1 (719C) from Blacktail Road to mile 2.96, road segment #2 (7082) from mile 2.96 on 719C to mile 0.04 intersection with 7082-1, road segment #3 (7082-1) from



intersection 7082 to mile 0.34 intersection with 7082-2, and road segment #4 (7082-1) from mile 0.34 intersection with 7082-2 to mile 0.41 entrance to gravel pit. Road segments #1, #2, and #4 will be resurfaced with gravel, all drainage and turnouts reestablished, cattleguards replaced where needed, and adequate signing installed. Road segment #3, approximately 2,904 feet in length, will be reconstructed to reduce current excessive grades and to develop adequate drainage and soil controls. New disturbance associated with segment #3 is approximately 1.3 acres.

Proposed mining operations would be completed in five phases with phase one bringing the road system to standard and installation of a perimeter fence around the entire gravel pit and buffer zone. Upon completion of phase one, mining would commence. The gravel pit will be mined in four phases (2-5) over a two year period, pending any weather or wildlife related delays. Each mining phase will be less than five acres and operations will include the removal and stockpiling of all available topsoil (an estimated average of 0.5 feet) followed by the removal and stockpiling of all overburden materials (an estimated average of 2.17 feet) down to the gravel. The topsoil and overburden will be stockpiled within the buffer zone on bare ground. This will be accomplished with bull dozers and front end loaders. See Figure 3 Project Map.

Front end loaders will then load the exposed gravel into dump trucks which will haul the gravel to private owned property for crushing, sorting, separating, washing, grading, processing, and stockpiling. Once hauled away from the pit, no removed materials will be returned to the gravel pit. The gravel layer is estimated to be five-six feet thick but may vary from one-nine feet thick.

There will be a temporary road segment constructed within the gravel pit for hauling purposes. This temporary road would start inside of the material pit behind a gate and run the distance of the material pit. This temporary road will be obliterated and reclaimed upon conclusion of mining operations.

Once a mining phase has been completed it will be reclaimed. The overburden material stockpiled within the buffer zone will be put back in place and the pit area and surrounding slopes will be shaped to near natural contours and all drainages will be re-established. Once the overburden is contoured, the stockpiled topsoil will be replaced and shaped, and the entire area seeded with a native seed mixture. Although the topography will look natural, the elevation of the pit would be variably lower as a result of the different thicknesses of the gravel being removed. The overall skyline or ridgeline of the area will not be affected.

Reclamation will be concurrent with the start of the next mining phase. Upon completion of all reclamation, the area will be monitored annually to ensure soil stabilization and the reestablishment of vegetation. A reclamation bond will be posted until all reclamation has been accepted by the Forest Service. Upon final acceptance of the reclamation, the fence will be removed. Requirements to prevent noxious weed and invasive species during and after operations is included within the conditions of approval.

Cultural, botany and wildlife surveys have been completed for the project.

We would like your comments on this proposal. Please be as specific as possible when you reply. In addition to your comments, please include your name, address, telephone number, and the project you are commenting on. In order for us to have adequate time to review your comments, we need to receive your comments by November 4, 2011.

Your comments, including your name and address, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered regarding this project. If you need more information on submitting comments anonymously, please contact us or refer to 36 CFR 215 and 7 CFR 1.27(d).

If you have any questions about this project or wish to submit oral comments, contact Mark Sexton, the project team leader, at (701) 227-7824. Your email comments can be submitted on the internet to, comments-northern-dakota-prairie-medora@fs.fed.us. Please direct your written comments to Ronald W. Jablonski, Jr., District Ranger, Medora Ranger District, 99 23rd Ave. West, Suite B, Dickinson, North Dakota 58601.

Sincerely,

/s/Ronald W. Jablonski, Jr.

RONALD W. JABLONSKI, JR.
District Ranger

Enclosures