

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
TRUST LAND MANAGEMENT DIVISION  
NORTHEASTERN LAND OFFICE



STATE OF MONTANA

(406) 228-2430 Telephone  
(406) 228-2439 FAX

GLASGOW UNIT OFFICE  
PO BOX 1007  
224 6 STREET SOUTH  
GLASGOW, MONTANA 59230-1007

April 19, 2004

**MEMORANDUM**

TO: Clive Rooney, NELO Area Manager  
Monte Mason

FROM: Hoyt Richards, GUO

RE: Proposed Riverside Gravel Permit

*DNRC - Trust Land Management Division*

**RECEIVED**

MAY 03 2004

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

**Clive:**

Riverside Contracting, Inc. has successfully submitted application to mine gravel in the :  
S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 36, Township 34N R30 East. They are proposing to mine a minimum of 20, 000  
cu yards. I negotiated the value of a cu. yard at \$0.75. Additionally, I negotiated the  
rental of the "crusher/hot plant area" at an annual rental of \$500. Through the EA  
process, I did not find any issues that could not be mitigated to an acceptable level. I  
recommend proceeding with this project.

If you agree, please sign the EA and forward to Monte.

**Monte:**

Please limit the permit to a total of 10.7 acres described in the following legals, :  
S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 36, Township 34.0N R30 East.

I have checked with Mark Carlstrom and the reclamation plan/bond does cover the access  
road, "crusher/hot plant area", and the pit. Attached are a DEQ Landowner Consent For  
Reclamation and a DEQ Mind Land Reclamation Permit. The reclamation plan in these  
two documents meets my criteria. If you approve of this project, please sign the consent  
form and return it to Mr. Carlstrom.

Please prepare a Large Volume Permit to be issued to Riverside Contracting, Inc. My stipulations for this project are:

1. The state shall own all stockpiled material.
2. The licensee shall compensate the School trust a royalty of \$0.75 per yard for all material which leaves the State land.
3. Prior to instigating reclamation, the licensee shall contact the Glasgow Unit Office (406)228-2430. Issues to be discussed include the reclamation of any stockpiled material and general reclamation issues.
4. All gates will remain closed at all times.
5. The licensee shall contact the DNRC's surface lease holder 48 hours prior to initiating any on-site work on this project.
6. All equipment shall be power washed prior to entering the State Land.
7. The licensee shall be responsible to pay all noxious weed suppression cost for the access road, and reclamation area for a minimum of three years after the project is complete. The DNRC may hire the Phillips County Weed Coordinator to control noxious weeds at this site at the licensee's expense for up to three years after the project is complete.

# CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Large Volume Permit	Proposed Implementation Date: April 19, 2004
Proponent: : Riverside Contracting, Inc	
Type and Purpose of Action: Riverside Contracting, Inc. is proposing to remove a total of 20,000 cu. yards from State land. They are willing to pay a royalty of \$.75 per yard for the gravel. A crusher and hot plant and crusher will be located at the site.	
Location: S½SW¼NE¼SW¼, SE¼SE¼NE¼SW¼, E½NE¼SW¼SW¼, N½NW¼SE¼SW¼	County: Phillips

## I. PROJECT DEVELOPMENT

<p>1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED: Provide a brief chronology of the scoping and ongoing involvement for this project.</p>	<p>Discussed this project with proponent. Contacted DEQ to ensure that the hot plant, crusher, reclamation area and access road were all covered under the DEQ reclamation bond. No parties solicited information on the project. Scope of project is not expected to cause environmental harm or degradation. For that reason, established scoping was not instigated.</p>
<p>2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:</p>	<p>DEQ has authority for reclamation purposes for all disturbances that are greater than 300 cu. yards. State Statute mandates that a reclamation plan is developed by the proponent through them.</p> <p>MDOT is the primary agent in this project. MDOT hires the proponent to extract gravel and to mix into asphalt.</p>
<p>3. ALTERNATIVES CONSIDERED:</p>	<p>Grant permission to proponent to mine gravel, access mine, and construct a asphalt/hot plant area using mitigation measures to minimize impacts. .</p> <p>Deny permission to the proponent to proceed with the proposed activities.</p>

## II. IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS
<p>4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:                      Are fragile, compactible or unstable soils present? Are there unusual geologic features?                      Are there special reclamation considerations?</p>	<p>Action: Soils will be able to withstand the proposed activities. Mitigation: In order to preserve soil profiles, the proponent will be required to scrape and stockpile all topsoil material. The topsoil will be safeguarded from erosion and redistributed back across the effected area after the action is completed.</p>

## II. IMPACTS ON THE PHYSICAL ENVIRONMENT

	No Action: There will be not impacts that take place to the soils or geology.
5. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	<p>General Discussion: There is no knowledge of a shallow water table in this area. There are no water drinking sources in this area. Surface ponding of runoff water is used by livestock and by domestic animals.</p> <p>Action: This proposed action will not influence the water sources of this project.</p> <p>No Action: No effect</p>
6. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	<p>Action: Disturbance of the ground and the use of heavy equipment increases the air particle pollutants in the vicinity. This increase is produced under all mining activities. Proponent will have to meet the expectation and follow all clean air rules and regulations.</p> <p>No Action: There will be no increase in air pollutants. No effect.</p>
7. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?	<p>Action: The proposed action will destroy all plant vegetation in the path of the disturbance. There are no rare or unique plants known to exists in this area. All vegetation will be restored to a native grass seed mixture.</p> <p>No Action: There will be no effect to the existing vegetation</p>
8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	<p>Action: This action will not effect avian or aquatic life or habitats. This project is small in scope and the surrounding habitats will easily by able to accommodate any spillage of terrestrial, avain, or aquatic lives.</p> <p>No Action: No effect on terrestrial avian or aquatic life and or habitats.</p>
9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Sensitive Species or	There are no documented on any federal listed threatened or endangered species using this area or significant habitat by these species. Therefore the action neither the action nor the no action

## II. IMPACTS ON THE PHYSICAL ENVIRONMENT

Species of special concern?	alternatives will have an effect.
10. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	<p>There are recorded cultural sites on this tract. Action: The Action alternative will not effect any cultural resources or take place within any cultural site boundaries. Craig Biggart, DNRC Land Use Specialist traversed the proposed action area and observed no unknown sites within the action boundaries.</p> <p>No Action: No effect. There will be no disturbance so there is no effect.</p>
11. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	<p>Action: The proposed project is adjacent to highway 191. This project is being proposed due the rebuilding of highway 191. Site disturbance will be in place during this reconstruction. Upon project completion the equipment will be gone. Proper reclamation will blend the pit area in with the surrounding environment.</p> <p>No Action: No effect</p>
12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	<p>Action: This project will use part of the gravel resources for the state land. These resources are not limiting.</p> <p>No Action: No effect</p>
13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: Are there other studies, plans or projects on this tract?	<p>Action: None.</p> <p>No Action: No effect</p>

## III. IMPACTS ON THE HUMAN POPULATION

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
14. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	<p>Action: This project will ultimately increase the health and safety issues of this area by rebuilding of the highway. AS with any construction there will be safety risk associated with it. These risk are the responsibility of the proponent.</p> <p>No Action: The present highway 191 will not be</p>

	improved and safety and health risk will remain the same or increase as time allows.
15. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	<p>Action: This project will add to the industrial activities. The project will temporarily remove a small amount of land from the grazing activities. The lessee has been approached by Craig Biggart and made aware of the proposed activities in the latter part of March. Lessee had no comment.</p> <p>No Action: No effect</p>
16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	<p>Action: This project will create jobs on a temporary basis.</p> <p>No Action: No effect</p>
17. LOCAL AND STATE TAX BASE AND TAX Revenues: Will the project create or eliminate tax revenue?	<p>Action: This project will increase trust revenue. It is expected that an additional \$11,250 will be raised through the sale of gravel (20,000 yards X 0.75\$ per yard), additional a royalty of \$500.00 for the asphalt crushing plant area has been imposed.</p> <p>No Action: No effect</p>
18. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?	<p>Action: This project will not increase the demand on government services.</p> <p>No Action: No effect</p>
19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	<p>Action: There are no known environmental plans or goals that will be influenced by this project.</p> <p>No Action: No effect</p>
20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	<p>There are no wilderness or recreation areas in this vicinity of this tract.</p> <p>Action: There are no effects for any of these resources.</p> <p>No Action: There are no effects for any of these resources.</p>
21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	<p>This project is proposed to take in a remote area.</p> <p>Action: There are no effects for any of these</p>

	resources.  No Action: There are no effects for any of these resources.
22. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	Action: There are no effects for any of these resources.  No Action: There are no effects for any of these resources.
23. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	Action: There are no effects for any of these resources.  No Action: There are no effects for any of these resources.
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	NONE>  ction:  No Action: No effect

EA Checklist Prepared By: R. Hoyt Richards GLU manager Date: April 19, 2004  
R. Hoyt Richards Glasgow Unit Manager

IV. FINDING	
25. ALTERNATIVE SELECTED:	Action
26. SIGNIFICANCE OF POTENTIAL IMPACTS:	N.S. I
27. Need for Further Environmental Analysis:  <input type="checkbox"/> EIS <input type="checkbox"/> More Detailed EA <input checked="" type="checkbox"/> No Further Analysis	

EA Checklist Approved By: Clive Rooney Area Manager  
Name Title

4/22/4 [Signature] Date: April 19, 2004  
Signature

Application fee has not been paid  
as of 4/19/04 H.R.

DS-409  
Amended 1/57  
Fee \$25.00

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
TRUST LAND MANAGEMENT DIVISION  
1625 Eleventh Avenue  
P.O. Box 201601  
Helena, MT 59620-1601

RECEIVED  
APR 05 2004  
Glasgow Unit Office

APPLICATION FOR PERMIT TO TAKE AND REMOVE  
GRAVEL FROM STATE LANDS

NAME OF APPLICANT: RIVERSIDE CONTRACTING, INC.  
ADDRESS: 5571 ALLOY SO.  
CITY: MISSOULA STATE: MT ZIP: 59808  
TELEPHONE: 406-721-9267

Application is hereby made on the following described land:

SECTION: 36 TOWNSHIP: 34N RANGE: 30E  
PART OF SECTION: 1/4 1/4 SW 1/4

\*\*PLEASE BREAK DESCRIPTION INTO 10 ACRE PARCELS

COUNTY: PHILLIPS ACRES INVOLVED: 10

The total quantity of gravel needed at this time will be  
20,000 cubic yards, which will be taken and removed prior to  
MONTH: 09 DAY: 01 YEAR: 2004, and used for the purpose of  
plant mix surfacing overlay, and seal & cover on  
Malta-North Highway project.

IT IS HEREBY explicitly agreed that Permittee will pay the set royalties.

DATED AT Missoula, MT THIS 2<sup>nd</sup> DAY OF April, 2004

APPLICANT SIGNATURE: Sam Brandt

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMITTING & COMPLIANCE DIVISION  
INDUSTRIAL & ENERGY MINERALS BUREAU  
PO BOX 200901  
HELENA MT 59620-0901  
PHONE: 406 444-4970 FAX: 406 444-1923

Operator: Riverside Contracting, Inc.

Permit Number: \_\_\_\_\_  
(Provided By The Department)

## LANDOWNER CONSENT FOR RECLAMATION

This agreement is made and entered into by and between the State of Montana, Department of Environmental Quality (DEQ) of Helena, Montana and State of Montana DNRC (landowner) in consideration for the issuance of a Reclamation Permit pursuant to the Opencut Mining Act (Title 82, Chapter 4, Part 4, MCA, hereinafter referred to as the "Act"). Landowner and DEQ hereby agree as follows:

1 - Landowner is the owner of certain land described as 1/4 SW 1/4, Section 36, Township 34 N'S, Range 30 E/W, Phillips County, Montana;

2 - Riverside Contracting, Inc. (operator) proposes to conduct mining operations on the above-described land subject to the requirements of the Act;

3 - Landowner has read and understands the Mining And Reclamation Plan for the proposed mine, and has provided any comments, recommendations, map, or drawing on page two of this form;

4 - Landowner agrees to allow the operator, DEQ, or DEQ's agents or contractors in the event of default by the operator, to enter the above-described lands in order to complete reclamation in accordance with the Mining And Reclamation Plan approved by DEQ pursuant to the Act;

5 - Landowner agrees to require any purchaser of the above-described lands to agree in writing to grant consent to reclaim in accordance with this agreement or allow sufficient time for operator to reclaim prior to transfer of title;

6 - Landowner agrees that operator will be granted exclusive use to mine the area included in the Reclamation Permit with the exception that operator may allow landowner or operator's subcontractors to remove minerals within the contracted area and that operator remains responsible for that mining and reclamation; and

7 - Landowner agrees to allow DEQ employees to enter the above-described lands for periodic evaluations until the bond or security required by the Act is fully released.

(Landowner, among the various commitments made and actions allowed in the Plan Of Operation, please be reminded that excess overburden, fines, and oversize, clean fill limited to soil, dirt, sand, gravel, rock, brick, and exposed-metal-free concrete, and on-site generated asphaltic pavement, metal, plastic, and tires may be disposed of on site. Other wastes may be disposed of on site only if operator obtains an appropriate solid waste management system license from the Department.

Also, please be advised that a site reclaimed to cropland is typically released after one crop has been successfully grown, and a site seeded or planted to perennial vegetation is typically released after two complete growing seasons or when site stabilization and revegetation success is achieved, whichever is longer. Landowner cooperation with appropriate site protection and management during vegetation establishment is appreciated.

If you have any questions or comments about the mining operation, reclamation, site release, or the Opencut Mining Program, please contact the Department.)

LANDOWNER'S COMMENTS AND RECOMMENDATIONS FOR RECLAMATION, IF ANY: \_\_\_\_\_

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MAP OR DRAWING, IF NEEDED:

LANDOWNER	SIGNATURE
TITLE, IF ANY	DATE
ADDRESS	CITY, STATE, ZIP
PHONE NUMBER	

STATE OF MONTANA, DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: \_\_\_\_\_ DATE \_\_\_\_\_

## APPLICATION FOR MINED LAND RECLAMATION PERMIT

*Normal processing & review time for a complete application is 30 days or less. This time may be extended by 30 days if sufficient cause warrants such.*

Name, address, & zip code of applicant (print or type):  Riverside Contracting, Inc. 5571 Alloy South Missoula, MT 59808	This permit application must contain: 1. This form; 2. \$50 application fee (government, top soil & peat operators exempt); 3. Mined Land Reclamation Permit form; 4. Plan Of Operation; 5. Map; 6. Bond (government operators exempt); 7. Landowner Consent For Reclamation form (N/A if operator-owned land); 8. Resident Notification Forms (if applicable, see form); 9. Verification of Noxious Weed Control Plan; and 10. Zoning Compliance Form (for sand and gravel mining only).	
Phone number: (406)721-9267 Fax number: (406)721-9394	Site name: State of Montana	
Surface ownership of land to be affected (name, address, & zip code): Montana Dept of Natural Resources & Conservation Trust Land Mgmt. Div. 1625 Eleventh Ave. PO Box 201601 Helena, MT 59620-1601	Legal description: 1/4 SW 1/4, Sec. 36, T. 34 N, R. 30 E	
Phone number: (406)444-2074 Fax number:	County: Phillips  Distance and direction from which nearest community: 24 miles north of Malta	
Mineral ownership (name, address, & zip code):  Same as above	Check which of the following will be used on site: <input checked="" type="checkbox"/> crusher <input checked="" type="checkbox"/> asphalt plant <input type="checkbox"/> wash plant <input type="checkbox"/> other (batch plant, building, scale, screen etc.)	Estimated quantity of mineral or overburden to be removed from site (cubic yards):  20,000 C.Y.
Phone number: Fax number:	Number of acres to be mined under this permit: 4.1	Total number of acres to be permitted: 10.7
Contractor(s) who will be working on site: Riverside Contracting, Inc. Treasure State Construction	Mineral to be mined: Gravel	Estimated maximum depth of mining: 17
Name of individual who will be on site and familiar with the Plan Of Operation: Douglas Rehbein Dennis Rehbein		Date operation will begin: May 24, 2004
APPLICANT AFFIRMS THAT APPLICANT HAS THE RIGHT AND POWER, BY LEGAL ESTATE OWNED, TO MINE THE LANDS HERETOFORE DESCRIBED. APPLICANT ALSO AFFIRMS THAT THE CONTENTS OF ALL ATTACHMENTS TO THIS APPLICATION BECOME A PART OF THE TERMS THEREOF.		

SIGNATURE AND TITLE

DATE

*Sam Brandt v. Pres.*

4/9/04

FOR DEPARTMENT USE

Fee Received: \_\_\_\_\_ Bond No.: \_\_\_\_\_ Bond Amount: \_\_\_\_\_

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMITTING & COMPLIANCE DIVISION  
INDUSTRIAL & ENERGY MINERALS BUREAU  
PO BOX 200901  
HELENA MT 59620-0901  
PHONE: 406 444-4970 FAX: 406 444-1923

## MINED LAND RECLAMATION PERMIT

Site Name: State of Montana

Permit No. \_\_\_\_\_  
(Provided by the Department)

This permit is issued by STATE OF MONTANA, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) of Helena, Montana to Riverside Contracting, Inc. (OPERATOR).

Pursuant to Section 82-4-422(1) MCA, the DEQ is authorized to issue Mined Land Reclamation Permits where it is found that the requirements of the law and rules can be carried out and will be observed.

In consideration of the above and other good and sufficient consideration, the following applies to this permit:

1. The DEQ hereby authorizes the OPERATOR to conduct opencut mining operations, as described in the application which was previously submitted and is hereby approved and made a part of this permit, on 10.7 acres in the 1/4 SW 1/4, Section 36, Township 34 N, Range 30 E, Phillips County, Montana. This permit does not authorize opencut mining operations other than as described in the application or as described above. Operating without a permit is a violation of law subject to civil penalties. The application is hereby incorporated as a part of this permit for all purposes.
2. The OPERATOR shall comply with all requirements of the Opencut Mining Act in Title 82, Chapter 4, Part 4, MCA and all rules adopted pursuant thereto.
3. The OPERATOR shall reclaim all affected land in accordance with the previously submitted and approved Mining And Reclamation Plan which is part of the application and of this permit. The DEQ may periodically review each plan and require modifications as necessary. Reclamation shall be as concurrent with mining as feasible and will be completed within the time frame specified in the plan.
4. The OPERATOR may submit amendment applications to the permit at any time. If approved, the amendments shall be attached to the permit and become a part of the permit for all purposes.
5. The OPERATOR (unless the State of Montana, a county, city, or town or the U.S. Government) has submitted a bond or other acceptable surety to ensure that the affected land is reclaimed in accordance with the Mining And Reclamation Plan. Failure to reclaim in accordance with the plan shall result in forfeiture of the bond. If the bond is revoked or otherwise becomes invalid, the operator shall submit a new bond or surety within 30 days. Failure to submit a new bond suspends this permit.
6. The OPERATOR shall allow access by the DEQ and its representatives at all times in order to determine whether the terms of this permit are being complied with.
7. If reclamation according to the Mining And Reclamation Plan has not been completed in the time specified, the DEQ, after 30 days written notice, may order the OPERATOR to cease mining and issue an order to reclaim. If the OPERATOR does not cease, the DEQ may institute action to enjoin further opencut mining by the OPERATOR and issue an order to reclaim.
8. A person who violates any of the provisions of Title 82, Chapter 4, Part 4 MCA, or any rules or order adopted under this part is subject to the penalty provisions of section 82-4-441 (1)-(4) MCA.
9. This permit is effective upon signature by the DEQ and shall remain in force until terminated by mutual consent or by the DEQ upon 6 months notice.

STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: \_\_\_\_\_  
BUREAU CHIEF  
INDUSTRIAL & ENERGY MINERALS BUREAU

DATE \_\_\_\_\_

**PLAN OF OPERATION**  
**Including The**  
**Mining And Reclamation Plan**

This form offers a simplified way to write a complete plan. The bold text constitutes the binding parts of the plan. The parenthetic information contains important or additional instructions, recommendations, definitions, explanations, and requirements.

When using this form: 1) cross out any nonapplicable bold text, 2) give a complete response to the information requested, 3) provide necessary additional information, 4) do not repeat statements made in the bold text, and 4) put "N/A" if no response or additional information is needed.

In the following text: 1) "main permit area" means the primary disturbance area where mineral mining, processing, and stockpiling will occur, 2) "mine-related road" means any existing or new nonpublic road segment, between the nearest public road and the main permit area, that will be improved (graded, widened, or surfaced) for mine-related use, and 3) "permit area" means the total permit area including the main permit area and mine-related roads.

Supplemental information can be found in the Plan Of Operation Guidelines and other Operator Packet materials. Please contact the Department if you need additional information or assistance. Thank you!

**SECTION I - PREMINE CONDITIONS**

**1 - LOCATION AND TOPOGRAPHY. Describe how to access the main permit area and what the terrain in and around it looks like:** The site is directly adjacent to US Highway 191. Surrounding ground is rolling plains, consisting of farm and ranch ground.

**2 - PRESENT LAND USE AND PAST MINING DISTURBANCE. Describe the present land use and any past mining disturbance in and within 1,000' of the main permit area:** Present land use is for grazing and was previously mined by the county. Mined area was reclaimed, but revegetation is sparse, especially on the most recently area disturbed on the north end.

**3 - WATER WELLS. Give the location, water level, total depth, and use of any water well in and within 1,000' of the main permit area (list or attach information from wells, well logs, the Montana Bureau of Mines and Geology at 406 496-4336, or landowners):**

None

**4 - WATER TABLE. Give the estimated seasonal high and low water table depths for the area to be mined, and the maximum depth of mining (list or attach information from wells, well logs, the Montana Bureau of Mines and Geology at 406 496-4336, adjacent surface water features, or landowners):**

Estimated water table is at 300 ft. Maximum depth of mining will be approximately 17 ft.

**5 - SURFACE WATER. Give the location, description, and use of any surface water feature in and within 1,000' of the main permit area:**

None

**6 - SOIL MATERIAL.** Provide field data for, and general descriptions of, the soil and overburden types and thicknesses in the area to be mined (gather field data from test holes and pits and existing holes and cuts; a general description might read "A road cut, badger hole, and three test pits showed an average of 9" of loamy soil over an average of 16" of gravelly-clayey overburden in the proposed pit area"; soil survey information from the Natural Resources Conservation Service may be used to supplement, but not replace, field data):

Test holes revealed 6"+ of topsoil and 6 ft. of Scobey (clayey loam) overburden.

**7 - VEGETATION.** Describe the dominant vegetation within the main permit area (soil surveys and landowners are good information sources; list the dominant grasses and other plants or put "rangeland," "pasture," "hayland," "farmland," "forest," or another appropriate description):

Dominant vegetation is wheatgrasses.

**8 - WILDLIFE.** Describe any significant seasonal or year-round use by wildlife in and within 1,000' of the main permit area (the Department of Fish, Wildlife, and Parks and landowners are good information sources):

Occasional use by deer, antelope, and small game birds.

**9 - ADDITIONAL INFORMATION.** Describe any characteristics or circumstances unique to the site:

None

## SECTION II - MINING AND RECLAMATION PLAN

**1 - POSTMINING LAND USE.** State the postmining land use of the main permit area:        Grazing

**2 - SOIL MATERIAL HANDLING.** Operator will:

a. strip up to 6" of soil, if available, from facility level areas (facility level areas include mineral stockpile, processing facility, and staging areas, and mine-related roads);

b. strip soil and overburden from, and at least 10' ahead of, mine level areas (mine level areas include areas to be mined, excavated, graded, or used as permanent disposal sites; if available, salvage enough soil material to provide a minimum 18" reclaimed soil material thickness on dryland range, pasture, and hayland mine level reclamation, and a minimum 36" reclaimed soil material thickness on farmland and irrigated site mine level reclamation; overburden needed off site is excluded from salvage and replacement requirements);

c. handle soil and overburden separately and haul these materials to areas prepared for resoiling or separately stockpile them where they will not be disturbed, contaminated, or lost to erosion;

d. shape and seed, at the first appropriate opportunity and to the permanent mix, any soil or overburden stockpile where the majority portion will remain undisturbed for more than 1 year; and

e. in the case of alternate reclamation, retain all soil on site and in an accessible location until the alternate reclamation land use is assured (alternate reclamation includes industrial, commercial, or residential postmining land uses).

Describe the: 1) methods and depths of soil and overburden salvage on mine level areas, and 2) use of soil material stockpiles as sight and sound barriers (if the method (equipment) to be used is unknown, state that "Available equipment will be used to... "; correspond soil and overburden salvage depths with the replacement depths given in II(10)(b); consider using sight and sound barriers where mining activities will be within 1,000' of a residential, public use, or sensitive area such as a livestock compound or wildlife habitat):

6" of topsoil will be stripped with available equipment and 6 ft of overburden will be stripped with available equipment.

**3 - ROAD CONSTRUCTION.** Operator will locate, construct, and maintain roads in a manner that minimizes and controls erosion. Describe: 1) the location, length, width, drainageway crossings, and surfacing of all mine-related roads, and 2) any mine-related roads, or portions thereof, to remain open per landowner request after the operation is completed, their intended use, and the condition in which they will be left (consult with the landowner about the location, construction, and postmining status of all mine-related roads; these roads must be reclaimed unless the landowner requests on the Landowner Consent For Reclamation form, or in a letter sent to the Department, that certain mine-related roads remain open for a reasonable use; mine-related roads to remain open must be left in a condition suitable for the intended use; provide any downsizing details; a 12'-wide, single-lane road is sufficient for most post-reclamation purposes):

A 900' x 25' haul road will be constructed for access to the site. Topsoil will be stripped and stockpiled adjacent to the haul road. Upon completion, the haul road will be ripped, topsoiled and seeded.

**4 - WATER MANAGEMENT.** Describe: 1) the source, quantity, use, and discharge of any surface water or groundwater to be used for the mining operation, and 2) any sediment control structure, water treatment system, drainage structure, or other water control system to be used (provide a water management plan, including properly designed water management structures and systems, when a pit will intercept drainageways, significant runoff, or groundwater; include diagrams, cross-sections, or maps as needed to provide adequate detail; commit to notifying the Department before a water management structure is covered or inundated so that proper construction can be verified):

It is not anticipated that there will be any erosion control problems. If any are encountered during construction, straw bales and/or silt fences will be installed.

**5 - WATER PROTECTION.** Operator will:

a. take appropriate measures to protect surface water and groundwater from deterioration of quality and quantity that could be caused by mining and reclamation activities (evaluate potential on- and off-site effects; surface water or groundwater monitoring may be needed; potential effects on water rights should be evaluated);

b. inspect and maintain all fuel storage tanks parked or set on site to prevent spillage, immediately retrieve and properly discard any spilled fuel or contaminated materials, and report any spill that reaches state waters or that is greater than 25 gallons to the Department (state waters include surface water, ditch water with return, and groundwater; for water quality protection purposes, an operator should consider, and the Department may require, the

construction and maintenance of a fuel storage containment structure if a fuel storage tank will be placed in close proximity to state waters); and

c. keep all equipment, facilities, and disturbances at least 50' from the typical high water marks of drainageways, except at approved crossings.

**Describe:** 1) any measures to prevent, mitigate, or monitor any effects that the operation may have on surface water and groundwater quantity, quality, systems, and structures, 2) any on-site fuel storage, and 3) any fuel storage containment structure to be built:

Fuel storage tanks with self contained structures will be used.

**6 - DUST MANAGEMENT.** Describe any dust control measures to be used during site preparation, stripping, mining, processing, hauling, and reclamation (consider using dust control measures when the main permit area or an unpaved, mine-related road is within 1,000' of a residential, public use, or sensitive area such as a livestock compound, wildlife habitat, cropland, or surface water; consider using measures such as containment through equipment design, suppression by spraying water or a water-chemical mixture, and collection and filtering):

Main facility will be watered with a water truck during construction operations.

**7 - MINERAL STOCKPILES.** Operator will:

a. consolidate excess minerals into stockpiles of similar grade and type and leave them in a common, accessible location, preferably near a site access point;

b. grade and shape fines stockpiles to a natural appearance with slopes of 4:1 or less (fines must be buried unless the landowner requests on the Landowner Consent For Reclamation form, or in a letter sent to the Department, that a reasonable amount of fines remain stockpiled); and

c. leave an appropriate quantity of soil in a shaped and seeded stockpile next to each mineral stockpile that remains (soil is left for mineral stockpile site reclamation by some future party; soil placement next to fines stockpiles is optional).

**Additional information:** None

**8 - WASTE DISPOSAL.** Operator will:

a. perform separate-area, on-site disposal of the following groups of wastes as specified below and at the locations shown on the site map: 1) excess overburden, fines, and oversize, 2) clean fill, and 3) on-site-generated asphaltic pavement, metal, plastic, and tires (clean fill is limited to soil, dirt, sand, gravel, scoria, rock, brick, and exposed-metal-free concrete; commit to establishing a minimum 25' vertical separation between asphaltic pavement, metal,

plastic, and tire waste and the seasonally high water table, unless it is demonstrated that a smaller separation is acceptable);

b. prohibit on-site disposal of wastes not listed under (a), unless an appropriate solid waste management system license is obtained from the Department;

c. prohibit the placement of wastes on sideslopes, in drainageways, or in areas where they may interfere with future mining operations;

d. upon reclamation, retrieve road, stockpile, and work area surface materials and use them off site, stockpile them, or properly dispose of them (surface materials include sand, gravel, scoria, and asphaltic pavement);

e. salvage soil and overburden from waste disposal areas before placement of waste; and

f. cover all wastes not conducive to plant growth with materials suitable for plant growth, including fines, overburden, and soil, for a cover depth of at least 3'.

**Describe the methods and sites for on-site disposal of any: 1) excess overburden, fines, and oversize, 2) clean fill, 3) on-site-generated asphaltic pavement, metal, plastic, and tires, and 4) road, stockpile, and work area surface materials:**

Excess overburden and fines will be disposed of in approximately 2 acres of the north portion of the old county pit area. Metal, plastic, and tires will be hauled off site and disposed of in a licensed landfill.

#### **9 - GRADING. Operator will:**

a. leave all surfaces in a condition suitable for the postmining land use; and

b. leave mine level area surfaces: 1) at least 3' above the highest seasonal water table for dryland reclamation, 2) at least 3' below the lowest seasonal water table for pond reclamation, 3) with 5:1 or flatter slopes for hayland and farmland, 4:1 or flatter slopes for sandy surfaces, and 3:1 or flatter slopes for all other surfaces, 4) blended into the surrounding topography and drainageways, 5) in a stable condition and not subject to excessive erosion, and 6) graded to drain or concentrate water in specific areas.

**Describe: 1) the general backfilling and grading plan including anticipated reclaimed highwall and pit floor slopes and contours, and 2) any special reclamation features such as pit floor sumps, water catchments, drainageways, ponds, and pit portion to stay open (pit floors and highwalls should be irregular, when appropriate, to blend into the surrounding area and provide better plant and animal habitat; graded areas must tie into existing drainageways and slopes in a manner that will minimize erosion; significant inlet and outlet channels should have 10:1 or less gradients and characteristics similar to stable premine drainageways; for simplicity, designate a pond as a wetland or fishery, describe its location, size, number of islands, and planned fencing, commit to following the Pond Design Guidelines criteria, and attach a copy of the guidelines to this plan; the entire disturbed area must be reclaimed unless the landowner requests on the Landowner Consent For Reclamation form, or in a letter sent to the Department, that up to 50' of continuous highwall and no more than a tenth of an acre remain unreclaimed):**

Pit area highwalls will be sloped to a 3:1 and contoured to tie into the existing ground. Highwalls will be graded in conjunction with crushing operations.

10 - RIPPING, SOIL MATERIAL REPLACEMENT, AND REVEGETATION. Operator will establish a vegetative cover capable of sustaining the postmining land use.

Describe:

a. **RIPPING**--the methods and depths of deep ripping road, stockpile, work, and other compacted areas (a ripper, subsoiler, disk, or chisel should be used to rip relatively dry soil material to a depth of at least 12" on 12" centers in two passes made at right angles; sand, gravel, scoria, and bedrock surfaces do not require ripping):

Compacted surfaces will be ripped to a depth of 12" with a motor patrol.

b. **RESOILING**--the methods and depths of: 1) soil replacement on facility level areas, and 2) overburden and soil replacement on mine level areas (if the method (equipment) to be used is unknown, state that "Available equipment will be used to..."; soil materials should be respread in uniform layers; if available, commit to replacing a minimum of 18" of soil material on dryland range, pasture, and hayland mine level reclamation, and a minimum of 36" of soil material on farmland and irrigated site mine level reclamation; fines may be used to supplement soil material thicknesses):

Salvaged topsoil will be placed at a depth of 6" with a dozer. Overburden will be disposed of in the old pit area.

c. **FERTILIZING**--any methods, types, rates, and timing of fertilizer or other amendment application (fertilizer application methods include banding and broadcasting; fertilizer should be incorporated into the seedbed during seeding; a starter application that yields 40 pounds of nitrogen (N) and 40 pounds of phosphorous ( $P_2O_5$ ) per acre may help plant establishment on any site; other amendment application may include lime, gypsum, or organic matter):

Broadcast a fertilizer of 30#N and 30# $P_2O_5$  per acre.

d. **SEEDBED PREPARATION**--the methods of seedbed preparation (seedbed preparation methods include disking, spring-tooth harrowing, and chiseling; rocks greater than 5" across must be removed from surfaces to be used as hayland or farmland):

Discing if needed.

e. **COVER CROP SEEDING**--any methods, species, rates, and timing of cover crop seeding (a cover crop must be seeded when a resoiled area will go through a complete growing season without first being seeded to the permanent mix; barley (spring seeding), oats (spring seeding), or wheat (spring or fall seeding) at 20 to 30 pounds pure live seed per acre are typically used as cover crops):

None

**f. PERMANENT VEGETATION SEEDING OR PLANTING**—the methods, species and rates, and time periods for seeding or planting (commit to drill seeding on the contour unless otherwise discussed below, or commit to broadcast seeding and describe the method to be used to cover the seed; for simplicity, reference a Seed Mix Guidelines mix and attach a copy of the guidelines to this plan; time periods are typically given as “early spring or late fall”; use certified seed): Drill seed in late fall with certified seed mixture as follows:

Pryor Slender Wheatgrass	3.5 lbs. PLS per acre
Rosana Western Wheatgrass	2.5 lbs. PLS per acre
Lodorm Green Needlegrass	3.5 lbs. PLS per acre
Critana Thickspike Wheatgrass	2.0 lbs. PLS per acre
Alfalfa	0.5 lbs. PLS per acre
Annual Grain (Barley)	10.0 lbs. PLS per acre

**g. MULCHING**—any methods, types, rates, and timing of mulch application:

None

**11 - ROAD RECLAMATION.** After road surfacing materials have been retrieved and properly handled, operator will downsize or completely reclaim mine-related roads as follows:

- a. grade road locations to blend into the surrounding topography; and
- b. rip, resoil, and seed road locations with the permanent mix.

**Additional information** (discuss any mine-related roads to remain open under II(3)):

Haul road will be reclaimed as per paragraph a. and b. as stated above.

**12 - SITE PROTECTION AND MANAGEMENT.** Operator will:

- a. implement, monitor, and maintain adequate site protection and management measures on areas seeded or planted to perennial vegetation from the time of seeding or planting through two complete growing seasons, or until reclamation success is achieved, whichever is longer; and
- b. implement additional measures if it becomes apparent that initial measures are inadequate, or notify the Department of any protection or management problems.

**Describe any protection and management measures to be implemented** (implementation of such measures should promote reclamation success and a site's eligibility for bond or liability release; fencing and livestock management are the most commonly used measures):

Upon completion of final reclamation, if deemed necessary, the area will be enclosed with a temporary fence, to prevent livestock grazing, until revegetation has been established.

**13 - WEED CONTROL. Operator will:**

- a. ensure that all seed is weed free; and
- b. control noxious weeds as specified in the respective weed district management plan.

**Describe any planned weed monitoring and control measures:**

Weeds will be monitored and we will contract with Phillips County Weed Control Board to spray at their recommendation.

**14 - CONCURRENT AND FINAL RECLAMATION. Operator will:**

- a. keep reclamation as concurrent with mining operations as possible;
- b. grade, resoil, and seed or plant an area no longer needed for mine-related activities within 1 year after the cessation of such activities on that area; and
- c. complete final reclamation by the date given below or apply for an amendment to reset the date of final reclamation.

**Give a reasonable estimate of the month and year by which final reclamation will be completed:**

November 15, 2004

**15 - RECLAMATION COSTS. Provide: 1) a list of the estimated per-acre costs to reclaim all facility and mine level disturbances, including calculations for: a) highwall reduction, b) grading and cleanup, c) ripping compacted areas, d) backfilling, e) soil material replacement up to 18" for dryland range, pasture, and hayland mine level reclamation and up to 36" on farmland and irrigated site mine level reclamation, f) revegetation, and g) mobilization, and 2) the total bond amount to cover the permit area (government entities put "N/A" since they are exempt from bonding requirements; 18 or 36" of soil material is the maximum thickness that must be bonded; if the Bond Level Guidelines approach is not used, the bond amount should be verified with the Department before bond is obtained):**

	<u>GRADING</u>	<u>RIPPING</u>	<u>O.B./TOPSOIL</u>	<u>REVEG.</u>	<u>TOTAL</u>
Mine 4.1 acres X	200.00	-	8,070.00	150.00	= 34,522.00
Facility 4.1 acres X	100.00	100.00	810.00	150.00	= 4,756.00
Haul Road 0.5 acres X	100.00	100.00	810.00	150.00	= 590.00
Old Pit Area 2.0 acres X	100.00	-	810.00	150.00	= 2,120.00
Highwall Reduction	4.0 C.Y./Ft. X 850 ft. X 1.00				= 3,400.00
				Mobilization =	1,000.00
				<b>TOTAL =</b>	<b>76,378.00</b>

**16 - ROAD AND BOUNDARY MARKERS. Operator has, as of the date of application, clearly marked all mine-related roads with temporary markers, and clearly marked the main permit area with durable markers (failure to have road and boundary markers in place at the time of the Department's premine inspection may delay the application process; "clearly marked" means markers are at every corner or bend in road or boundary and readily visible from one another to the naked eye; "durable" means a metal, plastic, or wood fencepost (not lath) or a painted object such as a rock or tree; main permit area markers are not needed where natural or manmade features clearly delineate boundary segments).**

Describe how: 1) mine-related road locations are marked, and 2) the main permit area boundary is marked or delineated:  
~~Contracted area is marked with steel fence posts and lath as shown on map.~~

**SECTION III - OTHER COMMITMENTS**

1 - WILDFIRES. Operator will take proper precautions to prevent wildfires.

2 - ARCHAEOLOGICAL AND HISTORICAL VALUES. Operator will:

a. provide appropriate protection for archaeological and historical values found in the permit area; and

b. route operations around a site of discovery, promptly notify the State Historic Preservation Office (406 444-7715), and leave the site undisturbed until proper evaluation is made.

3 - ANNUAL PROGRESS REPORT. Operator will comply with the Annual Progress Report requirements of ARM 17.24.214.

4 - PERSONNEL INFORMED. Operator will inform all necessary on-site personnel, including subpermitors, of the commitments made herein.

**SECTION IV - ADDITIONAL INFORMATION** (use additional pages and attachments as needed)

I Certify That The Statements And Information Given Apply To The State of Montana Site, And That This Plan Will Be Followed Unless Officially Modified.

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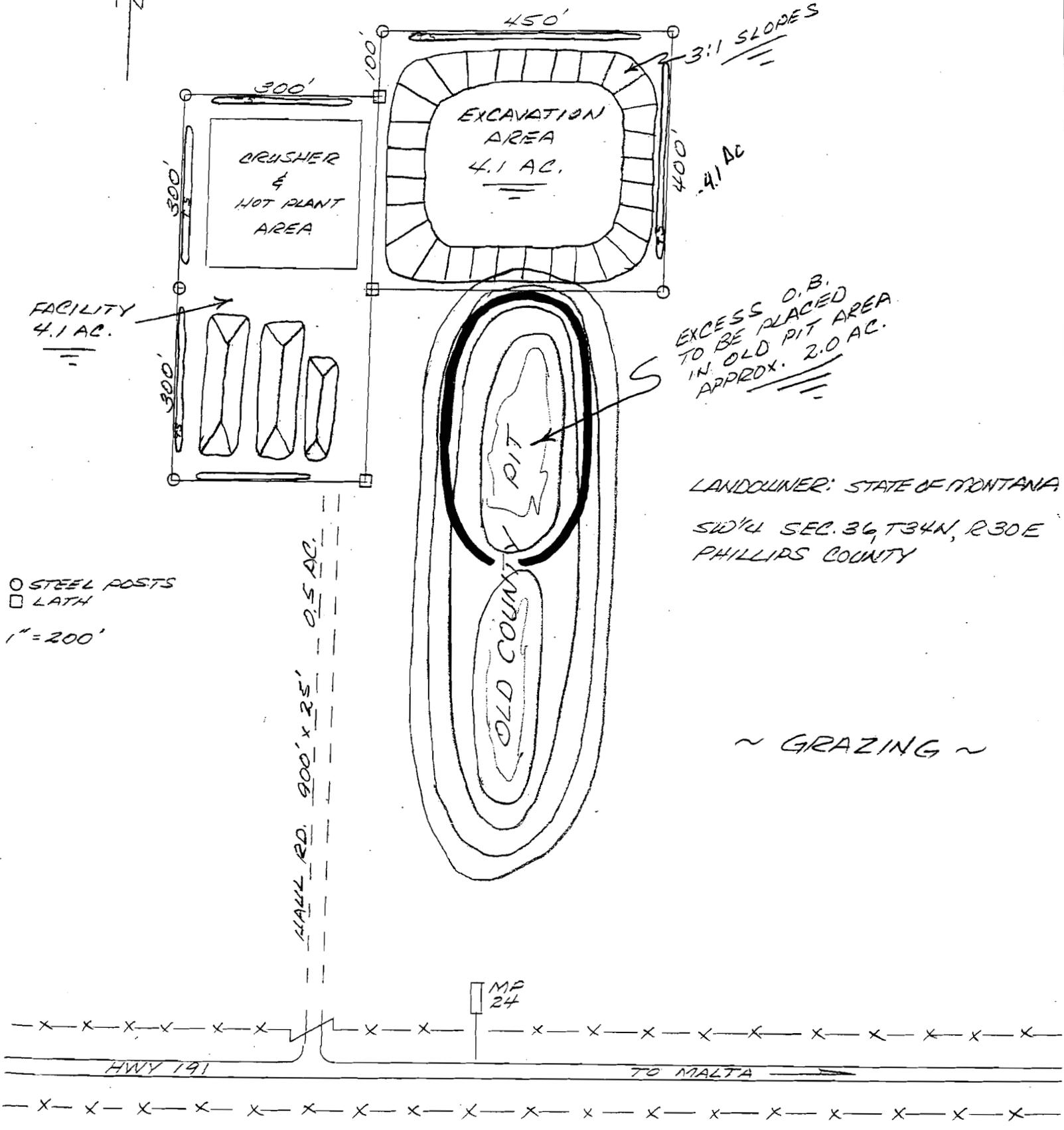
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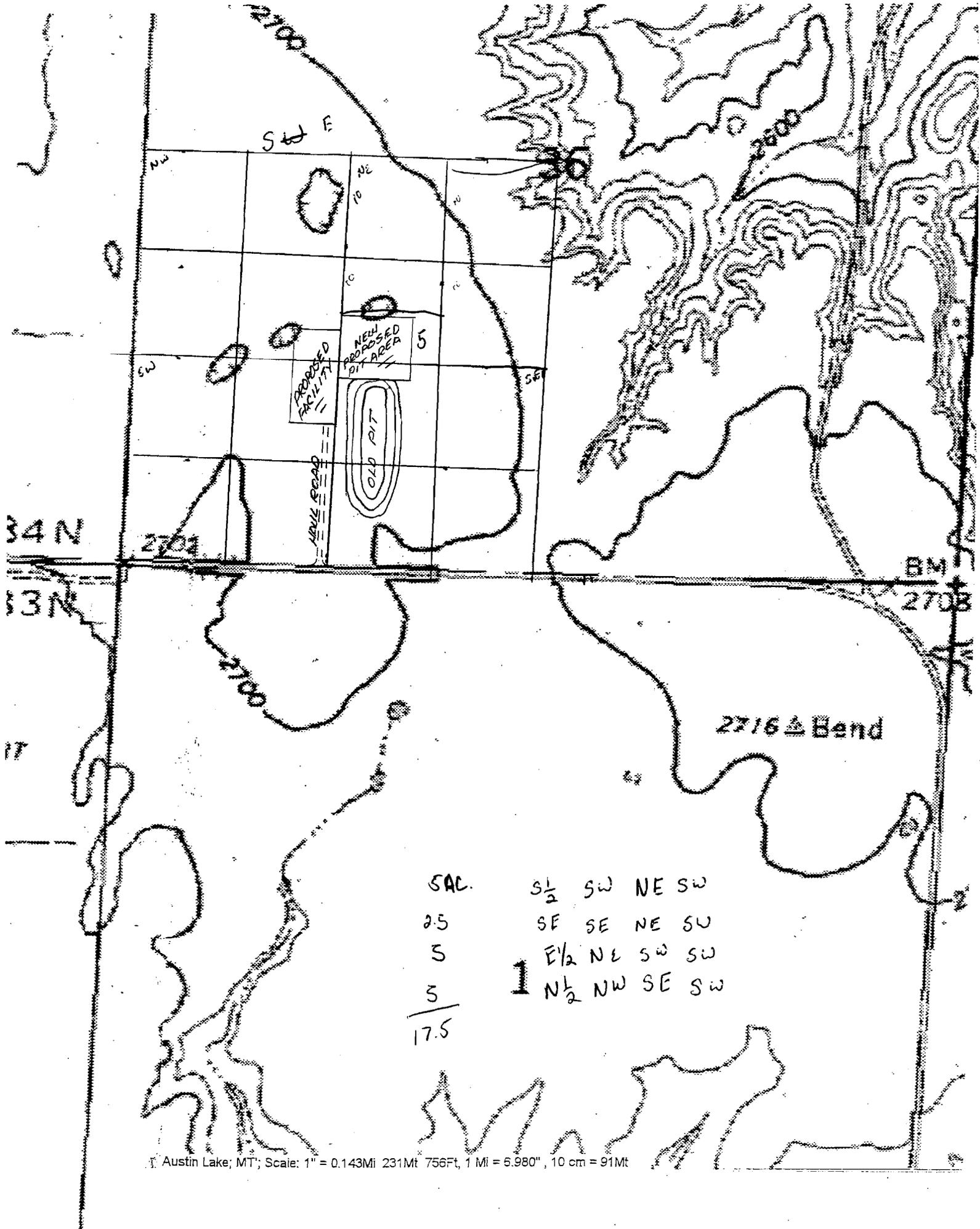
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RIVERSIDE CONTRACTING, INC.

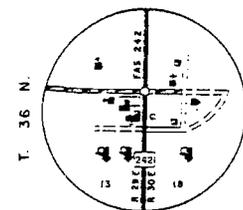
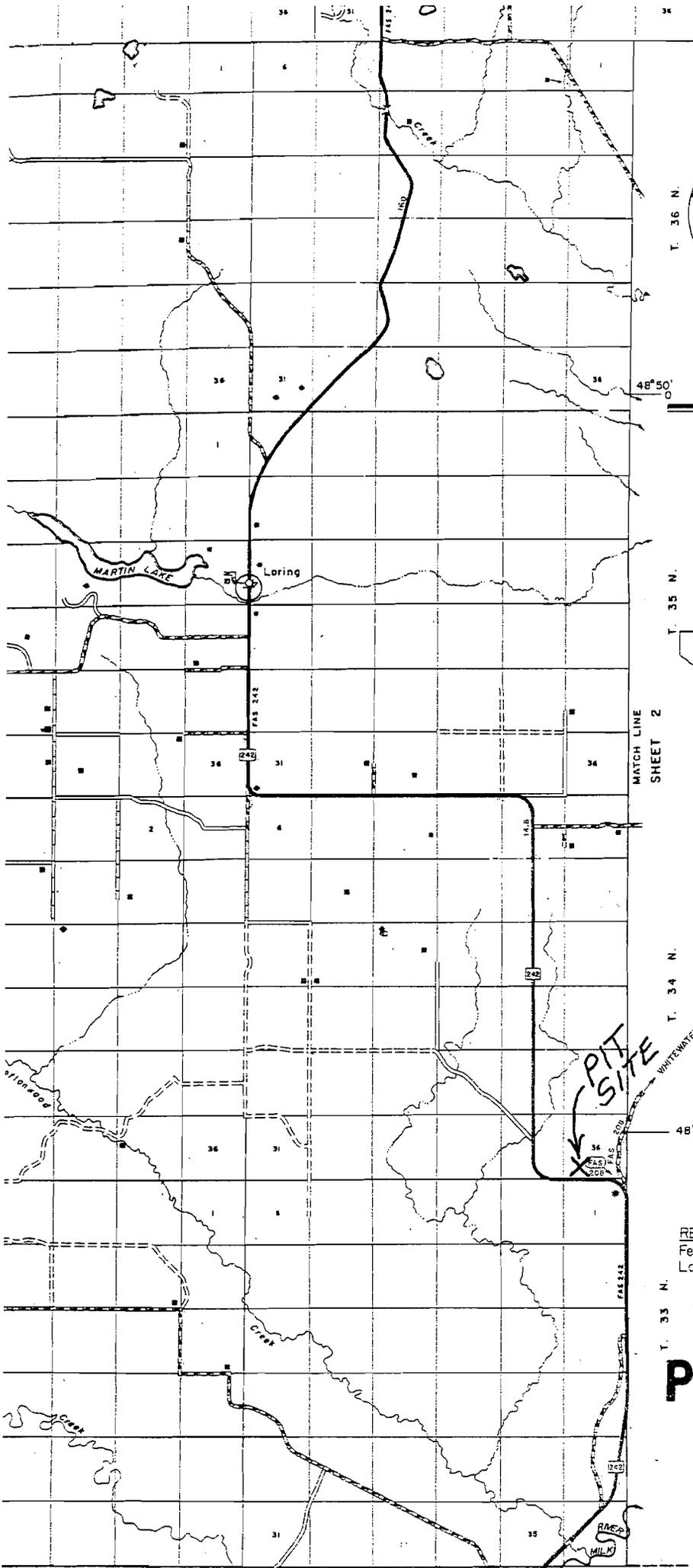
RECLAMATION PLAN  
APRIL 2004



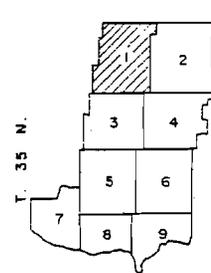
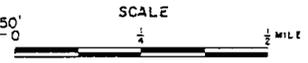


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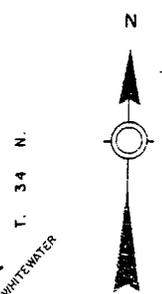
Austin Lake, MT; Scale: 1" = 0.143Mi 231Mt 756Ft, 1 Mi = 6.980", 10 cm = 91Mt



LORING  
 SEC. 13 T. 35 N. R. 29 E.  
 SEC. 18 T. 35 N. R. 30 E.

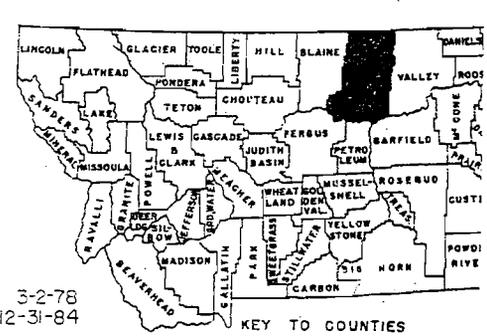


KEY TO SHEETS



REVISIONS  
 Federal-aid System 3-2-78  
 Local System (Partial) 12-31-84

- NARROW STREAM
- WIDE STREAM
- IRRIGATION CANAL WITH FLOW DIRECTION
- LAKE OR RESERVOIR
- RESERVOIR WITH DAM
- OVERFLOW LAND
- MARSH
- GLACIER
- PROMINENT POINT WITH NAME AND ELEVATION
- RAILROAD
- RAILROAD STATION
- RAILROAD TUNNEL
- RAILROAD ABOVE
- RAILROAD BELOW
- PRIVATELY OWNED RAILROAD
- AIR ROUTE WITH OPERATING COMPANY
- AIRPORT WITH SURFACED RUNWAYS
- MILITARY FIELD
- AIRFIELD, LIMITED FACILITIES
- LANDING AREA OR STRIP
- AIRFIELD COMPLETE FACILITIES
- STATE CAPITAL
- COUNTY SEAT
- OTHER TOWNS AND VILLAGES
- INCORPORATED CITY OR VILLAGE
- FARM UNIT
- DWELLING
- GROUP OF DWELLINGS
- COMBINED DWELLING AND SMALL BUSH
- SEASONAL DWELLING
- GROUP OF SEASONAL DWELLINGS
- CHURCH
- CEMETERY
- CHURCH WITH CEMETERY
- SCHOOLHOUSE
- SMALL BUSINESS ESTABLISHMENT
- GROUP OF SMALL BUSINESSES
- GRAIN ELEVATOR
- FACTORY OR INDUSTRIAL PLANT
- SEASONAL INDUSTRY
- BEET DUMP
- TOWNHALL OR COMMUNITY HALL
- RURAL POST OFFICE WITH NAME
- DWELLING AND POST OFFICE
- BUSINESS AND POST OFFICE
- BUSINESS, DWELLING, AND POST OFFICE
- FILLING STATION
- MINE
- OIL OR GAS WELLS
- OIL TANK
- GAS TANK
- GROUP OF GAS AND OIL STORAGE TANKS
- GAUGING OR PUMPING STATION
- PICNIC GROUND
- CAMP GROUND
- HOT SPRINGS
- RANGER STATION
- FISH HATCHERY
- GAME FARM
- GOLF GROUND OR COUNTRY CLUB
- ATHLETIC FIELD
- FAIRGROUNDS OR RACETRACK
- CAMP OR LODGE
- STOCKYARD OR LOADING PEN
- U.S. PORT OF ENTRY
- POWER PLANT
- RADIO STATION AND CALL LETTERS
- HIGHWAY GARAGE
- FORT OR ARMY CAMP
- STATE COURTESY STATION



KEY TO COUNTIES

# GENERAL HIGHWAY MAP PHILLIPS COUNTY MONTANA

PREPARED BY THE  
 MONTANA STATE HIGHWAY COMMISSION  
 PLANNING SURVEY SECTION

IN COOPERATION WITH THE  
 U.S. DEPARTMENT OF TRANSPORTATION  
 FEDERAL HIGHWAY ADMINISTRATION