



Montana Department of
ENVIRONMENTAL QUALITY

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June 30, 2006

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Dear Reader:

Enclosed for your review and comment is the Draft Checklist Environmental Assessment (CEA) for an operating permit requested by Rocky Mountain Stone, Inc., at P.O. Box 6, Bozeman, MT 59771. The application was received on May 5, 2006 and revised on June 29, 2006. Rocky Mountain Stone, Inc. applied for an operating permit for rock picking and sandstone removal from six sites. Five sites would be on private land in Sections 34 and 35, Township 7 North, Range 16 East and Section 2, Township 6 North, Range 16 East. The other site would be on State of Montana land in Section 2, Township 6 North, Range 15 East. The sites are located about ten miles south and southeast of Harlowton, MT. This Draft CEA evaluates the potential impacts from these operations. The Montana Department of Environmental Quality (DEQ) must decide whether to approve the permit as proposed, deny the request for an operating permit, or approve the operating permit with modifications.

The Draft CEA addresses issues and concerns raised during public involvement and from agency scoping. The agencies have decided to approve the permit as proposed as the preliminary preferred alternative. This is not a final decision. This conclusion may change based on comments received from the public on this Draft CEA, new information, or new analysis that may be needed in preparing the Final CEA.

Copies of the Draft CEA can be obtained by writing DEQ, Environmental Management Bureau, P.O. Box 200901, Helena, MT 59620, c/o Herb Rolfes, or calling (406)444-3841; or sending email addressed to hrolfes@mt.gov. The Draft CEA will also be posted on the DEQ web page: www.deq.mt.gov. Public comments concerning the adequacy and accuracy of the Draft CEA will be accepted for 30 days, until August 9, 2006.

Since the Final EA may only contain public comments and responses, and a list of changes to the Draft CEA, please keep this Draft CEA for future reference.

Warren D. McCullough

Warren D. McCullough, Chief
Environmental Management Bureau

6/30/06

Date

File: pending Rocky Mountain Stone

EMB\OP_Applications\RockyMountainStone\DraftEACoverletter

DRAFT CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: Rocky Mountain Stone, Inc., PO Box 6, Bozeman, MT 59771

PROJECT: Removing surface and near surface landscaping and masonry stone

PERMIT OR LICENSE: Operating Permit Application

LOCATION: (see list below) The proposed rock collecting sites would be 10 miles south and southeast of Harlowton (See Figures 1, 2 and 3)

COUNTY: Wheatland

PROPERTY OWNERSHIP: Federal State Private

TYPE AND PURPOSE OF ACTION: Rocky Mountain Stone, Inc. will remove lichen covered ledge rock and boulders for landscaping and masonry purposes. The work would be performed with hand tools, skidders and a loader. Ground disturbance would normally be less than two feet in depth. The rock will be loaded onto a truck or trailer and transported to a site where it is palletted for shipment. Ground disturbance will be minimal.

Soil would not be salvaged. The area of ground disturbance is discontinuous and is limited to the area surrounding each excavated rock. Similarly, soil would not be stripped from the pallet area.

Existing ranch roads would be used. If the roads and trails become compacted they would be treated at closure.

Water is not used in the process. The operator will take appropriate measures to ensure protection of surface and groundwater quality and quantity. All equipment, facilities and disturbances will be kept at least 100 feet from typical high water marks on drainageways, except at approved crossings.

Fuel tanks would be inspected and maintained to prevent spillage and the operator would immediately retrieve and properly dispose of any spilled fuel or contaminated materials. All spills over 25 gallons will be reported to the Enforcement Division of the Department.

Rocky Mountain Stone, Inc. will not dispose of solid wastes on site unless an appropriate solid waste management system license is first obtained.

Rocky Mountain Stone, Inc. is asking to permit six sites in two locations for a total permit area of 100 acres. A total of 38 acres would potentially be disturbed. If new sites were proposed in the future Rocky Mountain Stone, Inc. would have to apply for a permit revision or amendment.

The proposed sites are south and southeast of Harlowton. Following is a list of the sites, and legal descriptions with proposed disturbed acres for each:

Private Land Sites #1-5 (Figure 2):

Sections 34 and 35, Township 7 North, Range 16 East and Section 2, Township 6 North, Range 16 East
Total acreage proposed to be disturbed = 18 acres

State Land Site #6 (Figure 3):

Section 2, Township 6 North, Range 15 East
Total acreage proposed to be disturbed = 20 acres

DEQ must prepare an environmental assessment because some of the proposed sites exceed the disturbance

limitations in a Supplemental Programmatic Environmental Assessment (SPEA) completed by DEQ for rock quarries in 2004. The disturbance at these sites cannot be kept below five acres disturbed and unreclaimed at any one time. The rock collecting sites proposed by Rocky Mountain Stone, Inc. meet all other requirements under the SPEA.

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

N/A = Not Applicable

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACT AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	<p>[Y] The predominant soils that will be impacted are loams and stony loams. These soils absorb water readily but have a low total water holding capacity as they are shallow to bedrock. Runoff is high on steep slopes and where soils are only a few inches thick over bedrock. Soil disturbance is an unavoidable impact of rock collecting activities. These soils are susceptible to wind erosion when exposed. The small size of the disturbances would limit soil loss. During periods of extreme drought, reclamation seedings may fail with some resulting loss of soil. Failed seedings would be reseeded until vegetation is successfully established and the reclamation bond is released.</p> <p>Rock and boulders would be removed or altered. This is an unavoidable impact of rock collecting operations.</p>
2. 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?	[N] All of the sites are dry and over 100 feet from surface water. All of the excavations are relatively shallow and would not impact ground water. Impacts from petroleum product spills and herbicide use to control weeds would be limited by the distance from water. No groundwater wells are within 1000 feet of the sites.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[Y] There would be dust produced by these operations due to travel on the ranch roads commonly found in these areas. The landowners can require dust control as needed in their leases with the company.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[Y] The native plant communities that would be impacted are common in the sedimentary plains of Montana. Disturbance of these native plant communities is an unavoidable impact of rock collecting activities. Reclamation of the sites and seeding of native plant species would limit impacts but the native plant communities cannot be restored.

IMPACTS ON THE PHYSICAL ENVIRONMENT

	<p>A search of the Natural Resource Information System (NRIS) database found that there are no known threatened and endangered or sensitive plant species growing in these areas. The disturbance on the sites would lead to more noxious weed invasion in the area. This is an unavoidable impact of disturbance. Weed control efforts would limit these impacts.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>[Y] The areas are commonly used by pronghorn antelope and mule deer. Cottontails, jack rabbits, gophers and other rodents as well as coyotes and fox inhabit the area. Wheatland County is within the distribution area for sharptail grouse, Hungarian partridge and sage grouse, although the habitat requirements on the shallow and rocky uplands are probably only suitable for sharptail grouse. Although the sites to be permitted contain some outcrops they do not provide the habitat necessary for nesting raptors. Rough-legged hawks are common winter residents of the area. Red-tailed hawks are common summer residents. Golden eagles are summer residents and bald eagles are occasionally seen in transient concentrations.</p>
<p>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?</p>	<p>[Y] A search of the NRIS database found that there are no known threatened and endangered animal species in the area. Bald eagles are seasonal migrants through the area, but do not remain, and are more closely associated with the Musselshell River valley than the uplands. Eagles may use the outcrops as perching sites. Eagle use of the outcrops would be limited during rock collecting activities. They would return after areas are reclaimed.</p> <p>NRIS indicated that a number of animal species of concern have either been sighted in the area or could be expected to be found in the permit boundaries. These species include: the long-billed curlew and the greater sage grouse. There have been no actual sightings in the proposed permit area or the surrounding area.</p>
<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>[Y] A records search by the State Historic Preservation Office indicated that a number of cultural areas of concern exist in the general area. DEQ staff visited the sites and met with landowners and researchers working on paleontological resources in the area in an effort to determine if cultural resource sites exist in the proposed permit areas. From their observations and discussions it is apparent that the cultural resource sites are outside the areas to be permitted. As noted in the application, the operator would provide protection for archaeological and historical sites if they are found in the permit area.</p>
<p>8. 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>	<p>[Y] This is an unavoidable impact of rock collecting activities. All of the proposed quarry sites are in remote, rural areas. Activity would be visible from some county roads during operations, but the disturbance created would not be readily apparent in the absence of construction equipment. The disturbed areas would be reseeded. The reclaimed rock</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

	collecting sites would not have the appearance of the original rangeland with its scattered rocks and boulders. This is an unavoidable impact of rock collecting activities.
9. 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?	[N] These projects would be isolated and require a minimum of energy resources.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] The surrounding land use is livestock grazing. Surface disturbance in the proposed permit area and in nearby areas has occurred in the past in the form of surface handpicking of sandstone rock. Other rock collecting areas have been permitted and are proposed in the surrounding area. None of these other sites would affect the proposed Rocky Mountain Stone sites.

IMPACTS ON THE HUMAN POPULATION

11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[Y] These operations are a source of income for the area ranchers.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[Y] This and other stone producing operations are major employers in these counties, providing work for a segment of the population that is otherwise unemployed, or underemployed.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[Y] This project would create tax revenue.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] There is no anticipated need for increased government services that would result from this project. The local roads can handle the limited traffic that would result from the rock collecting activities.

IMPACTS ON THE HUMAN POPULATION	
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[Y] There are plans in effect in the area but none that affect private lands.
17. 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?	[N] There are no wilderness or major recreational areas on private land in these counties. The major recreational use is hunting.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] The work force would be local, or drawn from neighboring counties. The royalty payments made to landowners would add to the income of family owned farms and ranches recovering from regional drought.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[Y]
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	[N]

IMPACTS ON THE HUMAN POPULATION

<p>23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.</p>	<p>[N/A]</p>
<p>24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p>[N]</p>

25. Alternatives Considered:
No Action: Deny the request for operating permit. No issues were identified which would require denying the permit.
Approval: Approve the permit as proposed.
Approval with Modification: No unresolved issues were identified which would require modification of the proposal.
26. Public Involvement: A legal notice and press release were published notifying the public of the proposed operation. No comments were received. Another legal notice and press release were issued when this CEA was released.
27. Other Governmental Agencies with Jurisdiction: None
28. Magnitude and Significance of Potential Impacts: There would be no significant impacts associated with this proposal. As noted, there would be impacts to soils, geologic resources, native plant communities and avian habitats on outcrops and from an increase in noxious weeds in the area.

Building stone quarries and rock collecting sites are increasing throughout Montana. DEQ has prepared a Supplemental Programmatic Environmental Assessment (SPEA) on these operations. The operations that qualify must meet the following provisions as listed in the SPEA.

- Any individual small quarry must maintain a working disturbance of up to five acres maximum. Total disturbance during the life of an individual operation could exceed five acres, but concurrent reclamation would be required to keep the disturbance at any one time to five acres or less. Access roads would not be included in the disturbed total, but the operator would submit a reclamation bond for roads that do not have an appropriate use after quarrying. Roads appropriate for the land use after quarrying and access or haulage roads which are required by a local, state, or federal agency having jurisdiction over that road would not have to be bonded;
- There would be no impact to any wetland, surface or ground water;
- There would be no constructed impoundments or reservoirs used in the operation;
- There would be no potential to produce any acid or other pollutive drainage from the quarry;

Figure 1: Rocky Mountain Stone

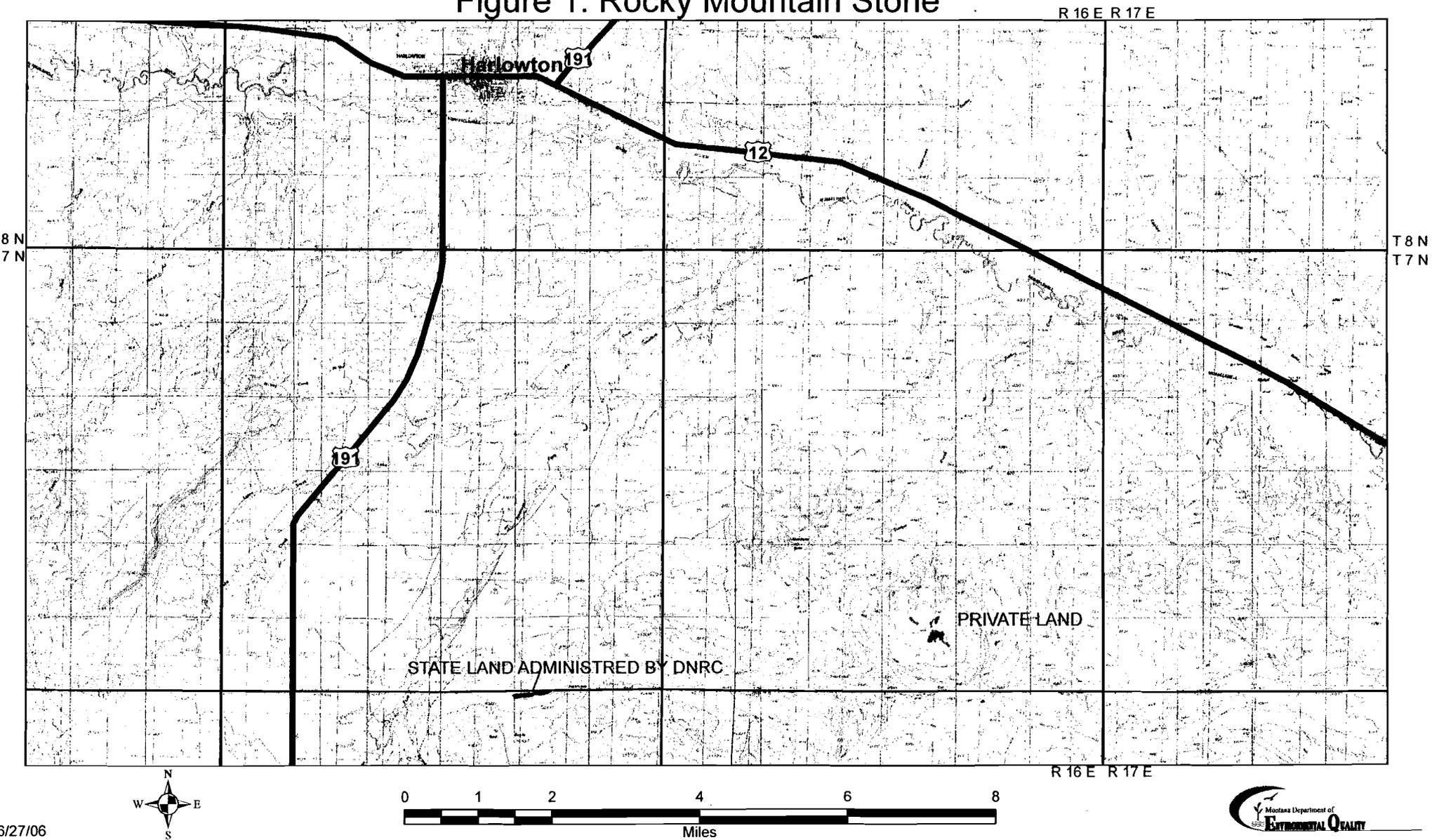


Figure 2: Rocky Mountain Stone - PRIVATE LAND

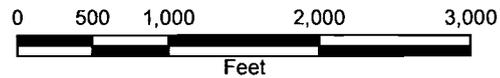
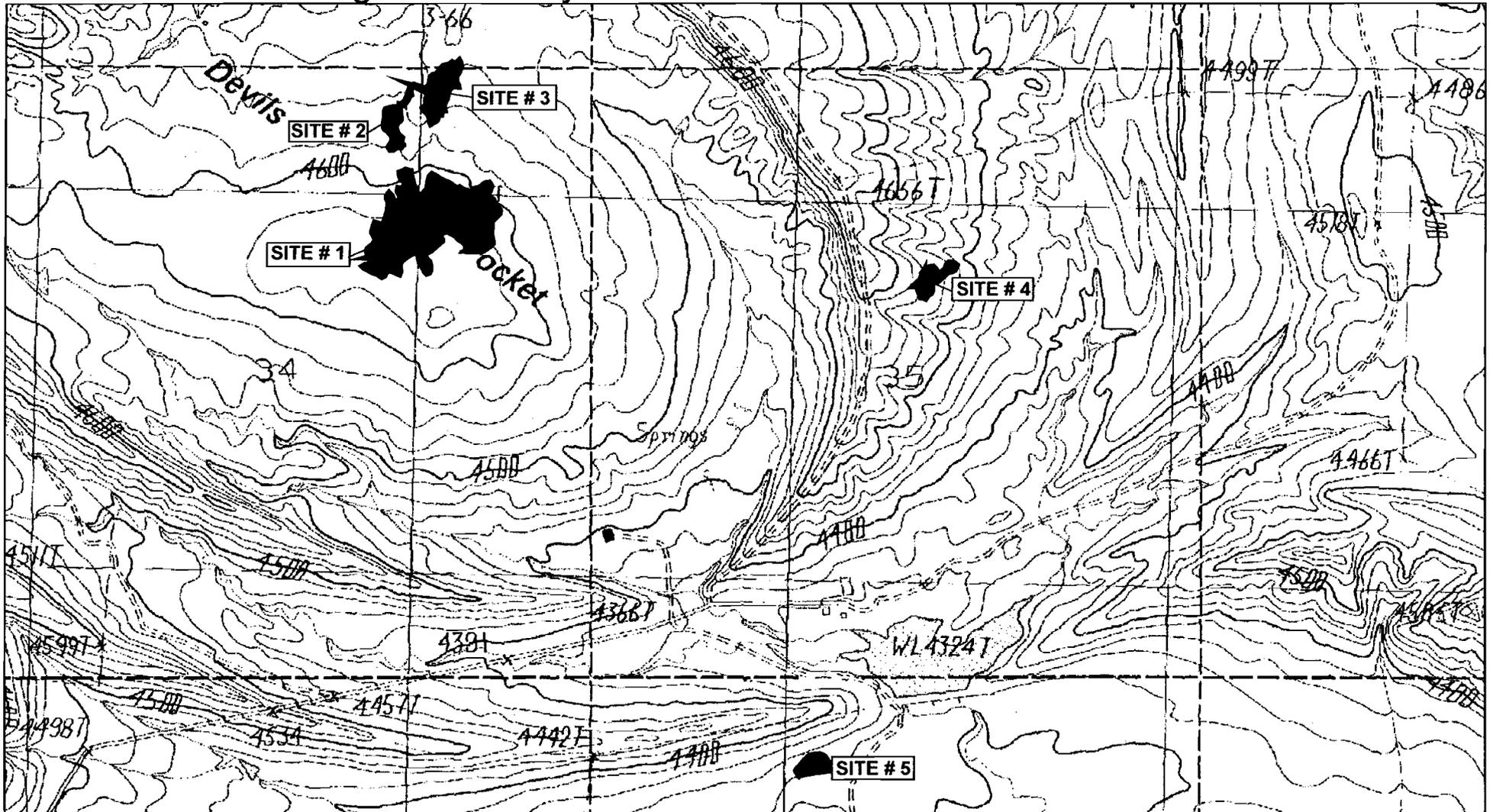
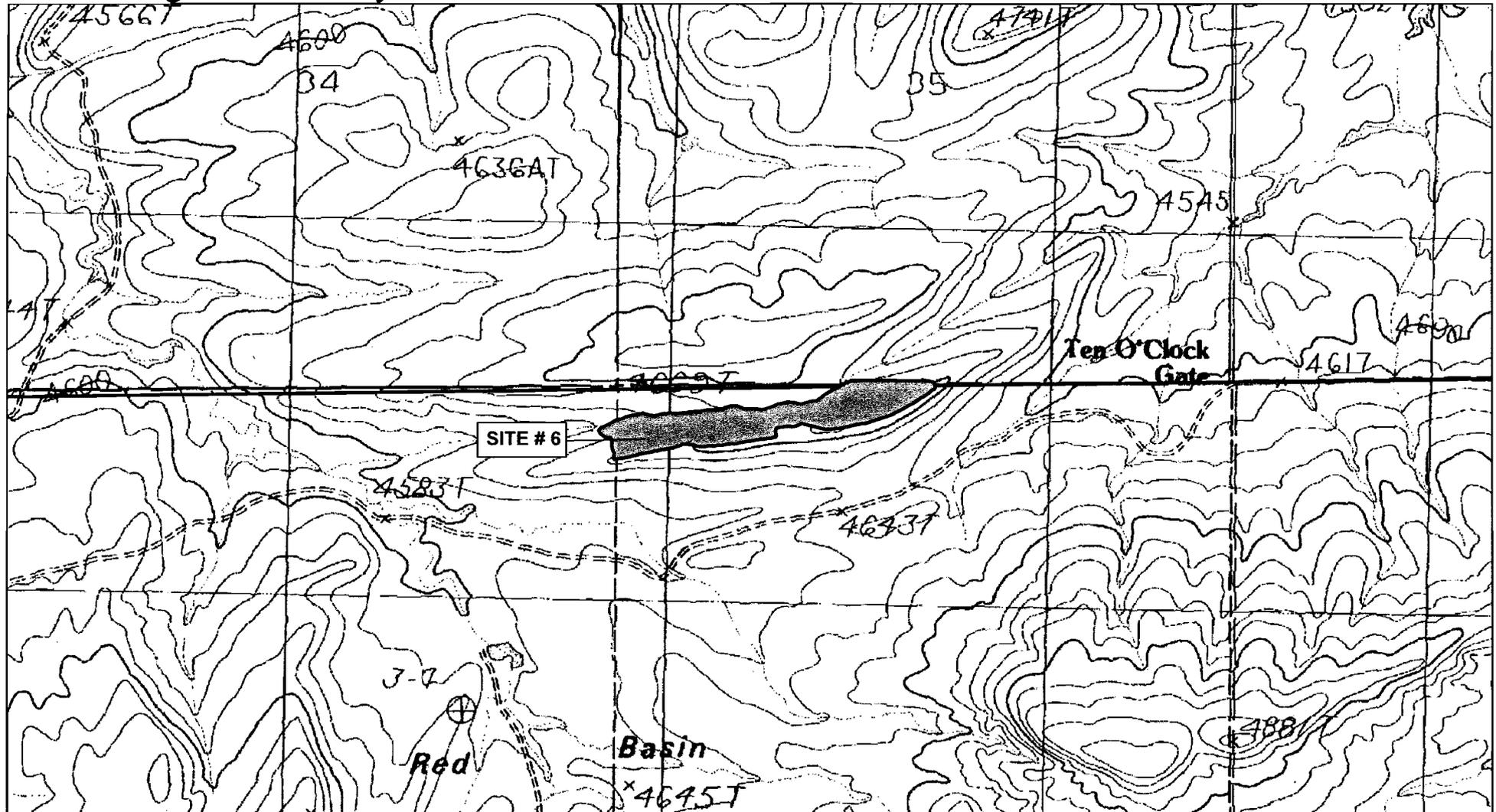


Figure 3: Rocky Mountain Stone - STATE LAND ADMINSTRED BY DNRC



5/27/06

