0175
70
FINAL
CEA
for
MT
ROCKWORKS

FINAL CHECKLIST ENVIRONMENTAL ASSESSMENT
MONTANA ROCKWORKS LLC.
APPLICATION FOR OPERATING PERMIT

December 28, 2007

Dear Reader:

In July 2005, Montana Rockworks LLC of Kalispell applied to the Montana Department of Environmental Quality (DEQ), Environmental Management Bureau (EMB) in Helena for an operating permit to quarry rock products in Flathead and Wheatland counties. The Proposed Action would allow Montana Rockworks to quarry rock products in a 2,221 acre permit area covering five sites. Two sites are west of Kalispell and three sites are west of Harlowton. The total disturbance would be 860 acres over the 20 year permit life. Montana Rockworks has proposed to limit total disturbance at any one time to less than 200 acres.

DEQ published a Draft Checklist Environmental Assessment (CEA) on April 12, 2007. The Draft CEA analyzed the potential impacts of the Proposed Action as well as the potential impacts of two alternatives: 1) No Action (Denial of the Operating Permit) and 2) Agency Modifications to the Proposed Action. The Draft CEA addressed issues and concerns raised during agency scoping. The operating permit application is available for review at the DEQ offices in Helena.

Comments concerning the adequacy and accuracy of the Draft CEA were received from the Montana Department of Natural Resources and Conservation, the U.S. Forest Service, four letters from private citizens, and Montana Rockworks. DEQ has responded to those comments (See Attachment 1). The comments did not change the conclusions in the Draft CEA. DEQ has decided to adopt the Draft CEA as Final and has selected the Agency Modifications to the Proposed Action alternative. Please see the attached Attachment 2 approving the Operating Permit for Montana Rockworks. The operating permit will be issued contingent on Montana Rockworks posting the required reclamation bond. Following are the approved permit conditions:

Permit Area: 2,221 acres
Permitted Disturbance: 860 acres
Maximum Disturbance Unreclaimed at any one Time: 200 acres
Bond: $382,083

Questions on the decision to approve the operating permit should be directed to Herb Rolfes, Operating Permit Section Supervisor, DEQ/EMB, P.O. Box 200901, Helena, MT 59620-0901, phone (406)444-3841, or e-mailed to hrolfes@mt.gov. Copies of the Draft CEA can be obtained by contacting Mr. Rolfes or by accessing the DEQ website at http://www.deq.mt.gov/ea/hardrock.asp.

Sincerely,

Warren D. McCullough

Warren D. McCullough
Chief Environmental Management Bureau

Attachment 1

op_applications\montanrockworks\feacoverletter.doc

ATTACHMENT 1

RESPONSES TO PUBLIC COMMENTS
ON THE MONTANA ROCKWORKS DRAFT CEA

I. Response to April 20, 2007 e-mail from Bill Baumgartner, Land Use Specialist, Lewistown Unit Office, Montana Department of Natural Resources and Conservation (DNRC) office commenting about the Elk Mountain Quarry Site #3, Site I on the Duncan Ranch Colony and State of Montana lands. The commenter stated that the Draft CEA said that the site was reclaimed and would not be disturbed in the future. The commenter said the Duncan Ranch Colony sent letters to Montana Rockworks in 2005 and 2006 complaining that the site was not reclaimed. The DNRC representative visited the site and concurred with the statements made by the Duncan Ranch Colony. There is no grass establishment, the area is full of weeds, and there are many surface rocks making reclamation difficult. Montana Rockworks assured the Duncan Colony Ranch and DNRC that the problems would be taken care of by March 15, 2006.

The Duncan Ranch Colony met with DNRC in early April 2007 to complain about the failure of Montana Rockworks to reclaim the site on both private and state land in 2006. The DNRC representative visited the site again on April 20, 2007 and it appeared that nothing had been done. The DNRC representative indicated that Montana Rockworks has been a difficult company to work with and it is his recommendation that any future permits not be issued until this matter is resolved.

> *DEQ copied Montana Rockworks with the comment from DNRC. In an e-mail to DEQ, Montana Rockworks assured DEQ that the problem would be resolved.*
>
> *Duncan Ranch Colony representatives met with Montana Rockworks on May 1, 2007.*
>
> *DEQ received a letter from Chad Sedgwick, Certified Weed Control License # 17040-12, Box 137, Two Dot, MT on May 8, 2007. Mr. Sedgwick stated that he had read the comment from the Lewistown DNRC office. He stated that he has worked with Montana Rockworks for over two years and has leased properties to the company for stone quarries. He stated that in his opinion Montana Rockworks is not "a difficult company to work with." In his opinion, Montana Rockworks has always been willing to do what the land owners have requested, and has been proactive in weed control. Montana Rockworks scheduled him over a year ago to spray the Russian thistle on the Duncan Ranch Colony. The spraying will occur as soon as the re-seeding is completed.*
>
> *DEQ received a letter from the Duncan Ranch Colony on May 9, 2007. The Duncan Colony Ranch representative stated that he had read the comment from the Lewistown DNRC office. The Duncan Colony Ranch*

letter stated that the land was historically leased and quarried for stone. It was regraded by Montana Rockworks in 2005, and regraded a second time by Duncan Ranch Colony for reseeding in June of 2006. The condition of the second regrade was not communicated to Montana Rockworks after the regrade was completed. As written in the Draft CEA "the reseeding will be done by the Duncan Ranch Colony to their specifications." Montana Rockworks will be providing the cost of the materials for the reseeding and the weed control. Montana Rockworks told the Duncan Ranch Colony that the trash, rock, two tires, and wood would be removed the week of May 13, 2007. The Duncan Ranch Colony said the reseeding would be done by July of 2007.

DEQ called the DNRC office in Lewistown to let them know about the letter received from the Duncan Ranch Colony. The DNRC had not been contacted by Montana Rockworks as of May 23, 2007. Mr. Baumgartner said he would inspect the site as soon as possible to ensure the site was reclaimed as indicated in the Duncan Ranch Colony letter.

On June 8, 2007, DEQ received an e-mail and June 4, 2007 photograph from Mr. Baumgartner indicating the site had not been cleaned up to date.

On June 11, 2007, DEQ copied the e-mail and photograph to Montana Rockworks and asked for an explanation for the delay. Montana Rockworks called DEQ immediately and explained that the Montana Rockworks field crew was in the area the week of June 11 completing the work. DEQ scheduled a field inspection to ensure the work was completed to Duncan Ranch Colony and DNRC standards.

On June 14, 2007, DEQ inspected the site and the garbage had been cleaned up. No weed spraying or seeding had been done at the time. On June 18, 2007, Montana Rockworks informed DEQ that the site had been sprayed for weeds.

As stated in the Draft CEA, seeding the Elk Mountain Site on the Duncan Ranch Colony is up to the ranch. Montana Rockworks purchased the seed and gave it to the ranch. The ranch has decided not to reseed the site until spring of 2008.

DEQ has concluded that Montana Rockworks has tried to resolve the problem to the satisfaction of the Duncan Colony Ranch and DNRC.

II. On April 27, 2007, DEQ issued Authorization MTR300265 to Discharge under the *General Permit for Storm Water Discharge Associated with Mining and with Oil and Gas Activities* (General Permit) at the McGregor Lake Quarry located in Flathead County, Montana. (Latitude North 48 degrees, 03 minutes, 9.32 seconds and Longitude West 111 degrees 50 minutes, 49.43 seconds). The

General Permit requires Montana Rockworks to monitor storm water from the McGregor Lake site. A revised Stormwater Pollution Prevention Plan must be submitted to DEQ within 90 days.

This storm water permit addresses concerns raised by DEQ in the Draft Checklist Environmental Assessment. This storm water permit fulfills Montana Rockworks commitment to obtain a permit as listed in the Draft CEA in Section VIII.I.7. Montana Rockworks hired a professional watershed geomorphologist/hydrologist to sample stormwater from the site.

III. Response to Dale Schmoyer's (US Forest Service Plains Ranger District), April 24, 2007 phone call about the location of the McGregor Lake Site #1 in Section 32, Township 26 North, Range 25 West, M.P.M., Flathead County, MT. Mr. Schmoyer stated that he checked the location information listed in the Draft CEA and that the Section, Township, and Range coordinates listed for the site describe Forest Service property, not private property.

Response to Mr. Schmoyer's second e-mail received on April 27, 2007 about the location of the McGregor Lake Site #1, 1 mile north of McGregor Lake, and the Moose Mountain Site #2, 9 miles southwest of McGregor Lake. How can they be in the same Township and Range?

DEQ contacted Montana Rockworks and Montana Rockworks provided a copy of a Royalty Agreement between the property owner, Moose Mountain Properties, LLC, and Montana Rockworks. The agreement lists 5 tracts of private property owned by Moose Mountain Properties in Section 32, Township 27 North, and Range 25 West M.P.M. Montana Rockworks listed Township 26 North in the map of the McGregor Lake Site #1 submitted to DEQ. DEQ will have Montana Rockworks revise the figure. DEQ has corrected the location listed in the Final CEA to Township 27 North. Thank you for your comment.

DEQ reviewed the legal descriptions for all sites in the Draft CEA. Other legal description location changes made in the Final CEA include:

- *The text in the Executive Summary was changed to correct Township 26 North to Township 27 North for the McGregor Lake Site #1.*
- *The McGregor Lake Site #1 figure was changed to Township 27 North as well.*
- *The McGregor Lake Site #1 Baseline Description was also corrected to list Range 25 West.*
- *In Table 1, Individual Site Summary Table, Section 37 listed for the McGregor Lake Site #1 was changed to Section 32.*

- *The Elk Mountain Quarry III figure was changed to Range 13 East rather than Range 35 East.*
- *The Sedgwick Site #4 figure was changed to list Section 10 rather than Section 3.*

IV. Responses to David and Carole Pinnell's May 2, 2007 letter about Montana Rockworks impacts to the 16 homes being built by them, their children, and others on 320 acres owned by the Pinnells on Bold Peak. "There will be 16 homes built totally off the grid, powered by windmills and solar. We want a healthy living environment."

"Presently, Rockworks travels down Bold Peak road with loads of rock, spewing dust and debris for miles. I cannot imagine the impact on people living in the area if they were to up their ante of quarrying 2,221 acres. It is a scary thing driving around a corner, being unable to see because of dust and meeting rock trucks loaded with rock."

Impacts on safety on Bold Peak Road from the traffic: Some safety issues raised by the Pinnells concern the Castle Rock Quarry which is leased by Montana Rockworks from Plum Creek Timberlands. The Castle Rock Quarry was permitted by DEQ under Plum Creek's Operating Permit #00167 in 2006. The safety issues raised by the Pinnells were addressed in Draft and Final Environmental Impact Statements (EISs) issued on April 20, 2006 and October 24, 2006 respectively. Copies of the EISs can be read on the DEQ web site at **http://www.deq.mt.gov/ea/hardrock.asp**.. *The Castle Rock Quarry is visible from the Pinnells' (and Freemans') property- (see below). The impacts from the additional five sites proposed by Montana Rockworks would not affect Bold Peak Road. Section 30, which contains the Moose Mountain property proposed to be quarried by Montana Rockworks is upwind and one mile away from the 320-acre parcel mentioned above.*

DEQ agrees dust on gravel roads is a safety issue. The 320-acre parcel owned by the Pinnells is located between a Plum Creek private road and public Forest Service access road. Plum Creek also uses the roads for hauling logs and has for years. Both of these roads have Road Use Agreements in place and Montana Rockworks shares costs for use and maintenance. DEQ recommends landowners along the road contact the Forest Service, Plum Creek, Montana Rockworks, and other road users to address safety issues. Montana Rockworks has a right to use the road. As long as the truck drivers comply with speed limits and the road users comply with the Road Use Agreement, DEQ has no authority to require additional restrictions.

DEQ has inspected all of Plum Creek's 93 permitted rock product quarry sites in northwestern Montana since June 2007. DEQ has traveled many

gravel roads during those inspections. Almost all roads required the inspector to slow down when meeting any oncoming vehicle until the dust cleared.

DEQ inspected the Castle Rock site on July 11, 2007. The access roads to the site were dry and dusty. DEQ will require that Plum Creek gravel the road from the quarry to the staging area on site and water the same road as needed to control dust. DEQ has no authority over the public Bold Peak Road. Montana Rockworks graveled the Castle Rock quarry access road and staging area off the Bold Peak Road in summer, 2007.

The Pinnells' letter mentions "quarrying rock products in a 2,221 acre, five site area."

For clarification, Montana Rockworks is proposing to disturb only 860 acres out of the 2,221 acres proposed to be permitted. Impacts from disturbing the 860 acres are addressed in the Draft CEA prepared by DEQ for the Montana Rockworks proposed operating permit and can be read on the DEQ website listed in the response above.

DEQ and Montana Rockworks agreed to analyze in an environmental document the maximum potential impacts that could occur over the 20-year life of the operating permit. Analyzing the impacts of one rock picking site at a time limits the potential to characterize the impacts of the many sites that could be permitted over the years on lands proposed to be quarried by Montana Rockworks.

As listed in the Draft CEA, Montana Rockworks has agreed to permit sites that comply with all but one limit placed on operations under a General Quarry Permit. The operating permit would give Montana Rockworks permission to disturb and have unreclaimed over five acres at any one time on a site. Montana Rockworks has estimated that it cannot stay below this five acre limit on the proposed sites as discussed in the Draft CEA. Other limits include staying over 100 feet from surface water, not exposing rock in areas below the water table, not removing rock with the potential for acid generation, etc. Montana Rockworks has acted as a responsible land manager by applying for this operating permit and placing these limits on development on its rock product sites.

"…wildlife in the area are just coming back after the impact loggers had on the west side of Kalispell."

Logging continues in the area on Plum Creek, State of Montana, and Forest Service lands. Wildlife impacts are discussed in the Montana Rockworks Draft CEA in Section VIII.5 and 6. DEQ agrees that logging, rock quarrying, and subdivisions have a cumulative impact on wildlife.

DEQ cannot prevent legal development of private land by Plum Creek, Montana Rockworks, or by the landowners because of wildlife impacts. DEQ can ask for mitigations if needed. No mitigations were identified as needed in the Draft CEA or identified in comments on the Draft CEA for the five proposed Montana Rockworks rock sites. If the sites are permitted, DEQ would watch for wildlife impacts and ask Montana Rockworks for mitigations.

"Rock quarrying has enormous impact on the environment, people, and ecology. Not surprisingly, problems that arise relate to the use of explosive materials (*underline added by DEQ*) other occupational hazards as well as noise and dust pollution, which will be a potential health risk. There will be no protection for the environment; laborers and people alike will suffer from this pollution. No measures for dust collection and suppression have been reported. Ambient air quality will be laden with suspended dust particles for miles. Transport systems like conveyor belts and trucks convey dust to farther areas. Particulate matter, including dust, affects the respiratory system and can cause damage to lung tissue and premature death. The elderly, children and people with chronic lung disease, influenza, or asthma are especially sensitive to high levels of particulate matter.

Noise levels will be extremely high. Frequent blasting is causing noise problems now, I cannot imagine what it will be like if they are allowed to expand. The vibrations can result in damages to the houses and other structures nearby. They will disrupt natural drainage and water flow that may never be restored. They will be pathways for the introduction and spread of weeds. In addition, the human activity associated with quarrying and subsequent human use will negatively affect wildlife from elk, grizzly bear, moose and wolf populations.

I am proposing that Montana Rockworks **not** be allowed to quarry rock products in the 2,221 acre, five-site area. They have already affected the land they are using presently, in a negative way. We have watched virtual dust storms, coming down from Castle Rock that travels for miles. This dust, as we all know, settles on plants and trees and blocks photosynthesis. These impacts extend well beyond the acres that may be roadbed and quarried. They will affect the mountains surrounding the "five sites." The quarry will affect thousands of acres and the wild life in the area for thousands of years."

DEQ will address the issues raised by the Pinnells as underlined above.

1) Explosive Materials: Montana Rockworks proposes blasting as needed on the five quarry sites. Blasting impacts were addressed in the Montana Rockworks Draft CEA in Section VIII.2. DEQ has rules regarding blasting included in the Montana Metal Mine Reclamation Act (MMRA). Blasting conducted at any rock picking site must be done by a certified blaster. All sites are permitted to use blasting as needed to remove rock products

from rock outcrops. Blasting used in rock product operations is not the same as blasting used in typical hard rock mining operations. Blasting destroys the rock integrity and creates multiple fractures if excessive explosives are used. This type of blasting would render the rock unusable for masonry and other building purposes. In the rock products industry, the rock is simply loosened by using minimal blasting. This also limits impacts from noise and overuse of explosives.

Blasting is controlled to loosen the rock so it can be sorted and sized. This limited blasting also limits the amount of noise and vibrations typically observed near blasting areas. The quarry road would be blocked for safety when the blasting occurred. Montana Rockworks has committed to have rock picking contractors contact local residents before each blast. If neighbors feel blasting on a site is excessive, DEQ can monitor a blast at a residence to document whether the blasting exceeds MMRA blasting rule threshold levels.

Noise and blasting vibrations are within legal limits from the Castle Rock Quarry. The Pinnells complain about blasting impacts from the Castle Rock Quarry site. DEQ investigates blasting complaints and will contact the Pinnell's to monitor a blast from the site to document if thresholds in the Metal Mine Reclamation Act and its associated Rules and Regulations are being exceeded.

Montana Rockworks' proposed quarries would be over 100 feet from surface water. If DEQ observes or suspects a threat to surface or groundwater sources from blasting impacts, DEQ would prohibit blasting on the site, and add mitigations to monitor surface water and groundwater in the area. DEQ has required a monitoring well to check for potential nitrate impacts from blasting and has issued a Storm Water Pollution Prevention Plan permit to Montana Rockworks for the McGregor Lake Quarry site.

2) Occupational Hazards: DEQ does not regulate occupational hazards. Occupational hazards associated with mining and quarrying are regulated by the Mine Safety and Health Administration (MSHA). If occupational hazards associated with quarrying or blasting on the site are observed, DEQ would report them to MSHA and the operator.

3) Noise: Noise impacts are discussed briefly in the Draft CEA in Section VIII.8. Equipment and other vehicle noise including back-up beepers, noise from loading and unloading rocks, as well as noise from trucks hauling rock on roads is an unavoidable impact of allowing rock picking operations. The noise from the two sites proposed in Flathead County by Montana Rockworks would largely be limited to activities during the

daylight hours. The noise would also be seasonal as limited rock picking would occur in a normal winter.

Noise is a common complaint from neighbors surrounding mining and quarrying operations. The noise produced by Montana Rockworks operations is not unusual and would not exceed threshold values at nearby residences unless mufflers on equipment are not maintained or blasting is excessive. Although DEQ does not have legal authority to limit hours of operation, if DEQ receives complaints about long hours of operation, blasting during the night, or other noise issues, DEQ will call the company and discuss potential operational ways to limit impacts. Occupational hazards from noise pollution to laborers are regulated by MSHA. MSHA requires the use of back-up alarms on all vehicles on the quarry site.

4) Air Quality: Air quality impacts are discussed in the Draft CEA in Section VIII.3. Road dust has always been an issue in rural areas across Montana on unpaved roads. Rock product activities would increase traffic and dust over the life of the permit. Minimal changes in overall air quality would result from the two Montana Rockworks sites in Flathead County. The rocky nature of the sites would limit dust impacts from the sites. Montana Rockworks would use water trucks or other best management practices (BMPs) to limit dust on its private roads. DEQ would require Montana Rockworks to gravel roads from the quarry to the staging areas and use a water truck on the five quarries. The additional traffic from the rock picking sites would be seasonal except in mild winters.

Traffic on Plum Creek and Forest Service roads is from logging operations, dump trucks, concrete trucks, and recreationists' vehicles, as well as traffic from rock picking site employees and rock haul trucks. As stated in the Draft CEA, in Section VIII.3, the most important dust impact from rock product sites would be fugitive dust from traffic on access roads to the sites. Snow cover along the access roads would be covered with dust along the public roads as is common throughout any area in Montana with gravel roads in the wintertime and especially in the spring as snow begins to melt. Vegetation along gravel roads in the summer also becomes covered with dust. This is an unavoidable impact of any traffic on gravel roads.

As stated in the Draft CEA in Section VIII.3, no dust control is proposed on the public roads outside the rock product sites. Logs could be hauled on the roads at the same time if logging is occurring in the general area. It is expected that each rock product site would have 3-4 pickup trucks per day while the site is used. The sites would typically be operated from May to November or all year in mild winters depending on market conditions. At times the sites would not be used at all for weeks depending on markets,

etc. While the sites are being worked, Montana Rockworks would expect the contractors to work an average of 8-12 hours per day, and 5 days per week unless a major contract needs to be filled. Trucks hauling rock products would be on the roads after they are loaded. Montana Rockworks predicts an average of one truckload of rock products per day per site would be on the roads.

DEQ has little control over dust off the sites once the traffic meets a public road. DEQ has met with local residents and operators in the past to try and get voluntary dust controls in place on public roads. DEQ would be glad to do this if a dust issue results again near a landowner along access roads to the rock product sites. DEQ would work with Montana Rockworks to develop traffic control plans to reduce speeds and try to encourage Montana Rockworks to control dust using water trucks, etc. near residences along Montana Rockworks' owned access roads.

For nuisance dust along access roads not owned by Montana Rockworks, if requested, DEQ and Montana Rockworks would consult with road owners to try and address dust concerns close to residences, such as speed controls or use of dust suppressants. DEQ and Montana Rockworks have no control over dust management practices on publicly owned roads. Montana Rockworks has a right to use the public roads just like recreationists, local landowners and the road managers as long as Montana Rockworks' employees follow speed limits and observe seasonal road closures.

Please contact Montana Rockworks, the US Forest Service and Plum Creek. It may be possible that a cooperative cost-share agreement can be reached with you to treat the public road in front of your home with dust suppressant.

If vehicles are speeding on the road, please contact the US Forest Service or the local Sheriff's department.

Dust from crushing operations and conveyor systems are regulated by DEQ and the crusher must have its own air quality permit.

5) Introduction and Spread of Noxious Weeds: Noxious weeds have been documented on the proposed sites in Flathead County as a result of past land management activities. Noxious weeds are present along most access roads and are spreading in the area as in the rest of western Montana. Any disturbance including logging, road building, rock picking, new home construction, and other traffic, etc. increases the potential for noxious weed invasion.

As stated in the Draft CEA in Section VIII.4, noxious weeds would increase on the disturbed sites as in any disturbed area. Montana Rockworks has committed to control weeds on the sites as part of regular operations. Montana Rockworks has noxious weed control plans which are approved by the local County Weed Control Districts. DEQ would monitor weed control activities during its inspections of the sites.

The rock picking sites have less potential for weed invasion because of the dominance of rocks in the areas. This does not lessen the need to spray weeds by Montana Rockworks. As DEQ inspects the sites, the inspector will recommend which sites need to be sprayed. Noxious weed invasion is an unavoidable impact of logging, quarrying, and subdivisions. Although weeds can be controlled, they can't be eliminated.

DEQ concluded in the Draft CEA in Section VIII.8 that quarrying would create long-lasting impacts. Impacts would be reduced by reclamation but the disturbance would be visible for a long time. No changes to the Draft CEA resulted from the Pinnells' comments.

6) Wildlife: Wildlife impacts are discussed in the Montana Rockworks Draft CEA in Section VIII.5 and 6. DEQ agrees that logging, rock quarrying, and subdivisions have a cumulative impact on wildlife. DEQ cannot prevent legal development of private land by Plum Creek, Montana Rockworks, or by private landowners because of wildlife impacts. DEQ can ask for mitigations if needed. No mitigations were identified as needed in the Draft CEA or identified in comments on the Draft CEA for the five proposed Montana Rockworks rock sites. If the sites are permitted, DEQ would watch for wildlife impacts and ask Montana Rockworks for mitigations.

V. Response to May 27, 2007 letter from Montana Rockworks about the Pinnell letter. The Pinnell letter discusses the Castle Rock Quarry which is permitted under the Plum Creek Operating Permit and is not part of this application.

See response to Pinnell letter above which discusses the Castle Rock Quarry.

"The 320-acre parcel that the Pinnells are building on is located between a Plum Creek access road and a Forest Service public access road. Plum Creek has been logging and running log trucks on these roads for years. Both of these roads have shared costs for use and maintenance. The owners should have been made aware of the existing access conditions to their 320 acre parcel."

This comment is beyond the scope of the Draft CEA.

"This 320-acre parcel has had a rock quarry (with no permitting) as well as a sand/gravel pit. These owners used the land as we plan to use ours: quarry, reclaim, and then develop for home sites."

> *DEQ will investigate the allegation of the unpermitted quarry and sand and gravel pit on the property. The rest of the comment is beyond the scope of the Draft CEA.*

VI. Response to Jason and Carmen Freeman's May 4, 2007 letter. "We can see Castle Rock, where Montana Rockworks is presently quarrying, from our home site. It is unbelievable the change we have seen in Castle Rock, they have totally dismantled it."

> *The letter is similar to the letter received from David and Carole Pinnell listed above. DEQ will address different points raised by the Freemans. As mentioned in the response to the Pinnells' letter above, Montana Rockworks leases the Castle Rock Quarry site from Plum Creek Timberlands. Plum Creek has an operating permit for the Castle Rock Quarry site. Plum Creek is permitted for 101 acres of disturbance on the Castle Rock site. Currently, less than 22 acres are disturbed. They are quarrying rock on a hillside and this prevents concurrent reclamation. In the Draft EIS prepared for the Plum Creek Operating Permit, DEQ concluded that there would be aesthetic impacts; reclamation would limit those impacts, but the sites would look disturbed for a long time.*
> *The potential reduction in adjacent property values is an unavoidable impact of permitting the rock picking operations. In other areas of the country, land use controls such as zoning have been used to control the types of operations that can be permitted in a particular area. No zoning exists in the Bold Peak Road area where the rock picking site is located. As stated in the Plum Creek Draft EIS in Section XI.10 in the Cumulative Impacts section, land use conflicts are an unavoidable impact in areas without land use controls.*

"We have two children, ages 11 and 8. We want a healthy living environment for our children..." "…It is common knowledge that quarrying has a negative impact on the environment. The land we purchased was logged in the 80's and 90's. The landscape is just recovering from logging, as the trees are 10 to 15 feet tall. When all the rocks are taken from the area, the landscape will be changed forever (Castle Rock is a good example), rocks do not regenerate."

> *As stated in the Draft CEA in Section VIII.8, the proposed rock collecting activities would create aesthetic impacts. The visual impacts from rock-collecting sites would be typical of activities that remove natural resources. New access roads would be left at closure for land management purposes.*

Quarry development roads would be needed inside the disturbance areas to remove the rock products. Recontouring at closure would reclaim the quarry development roads not needed for post-quarry uses.

The proposed plan would impact rock outcrops, boulder fields, and talus slopes visible from other lands not owned by Montana Rockworks. The rock covered talus slopes and boulder fields would be disturbed in the process of sorting and loading rocks. The limited soil resources in the rocky areas would be disturbed. Thicker soils in level staging areas would be salvaged and stockpiled for reclamation. All these disturbances remove portions of the limited trees and other vegetation on the rock product sites. Other rocks not removed for commercial purposes would be disturbed and overturned revealing rock surfaces that have not weathered and are much more noticeable from a distance. As a result, the rock product sites would look disturbed and would be visible from various viewpoints, especially from higher elevations.

The forested environment, natural broken landscape, and scattered locations of the two quarries in Flathead County would lessen the impacts from any one area. DEQ cannot prevent Montana Rockworks from proposing these sites if it wants to develop the rock products there.

Visual impacts are an unavoidable impact of allowing development of the two proposed rock collecting operations analyzed in this Draft CEA. Visual impacts are an unavoidable impact of quarrying rock outcrops, talus slopes, and boulder fields in mountainous terrain.

Montana Rockworks is required to reclaim the land to comparable stability and utility under the Metal Mine Reclamation Act. A reclamation bond is held for that work. Montana Rockworks is liable under its operating permit with the state. If Montana Rockworks does not reclaim the land, DEQ would use the bond to reclaim the land whether Montana Rockworks sells the land or not. If a violation is pursued, penalty limits are set by DEQ following established policies.

Castle Rock outcrops may be removed over the life of the Plum Creek operating permit. Much of the rock on the talus slope below Castle Rock would not be saleable for rock products. As discussed in the Draft EIS, Plum Creek would reclaim the land disturbed by rock picking activities by regrading the rocky areas as much as possible. Quarry development roads would be removed on the sites. Soil would be salvaged and replaced in areas where soil exists.

As stated in the Plum Creek Draft EIS in Section XI.8, even after reclamation, the site would look disturbed for a long time. This is an unavoidable impact of allowing the rock picking activities. Most of the cliff around Castle Rock has not been removed to date.

For Montana Rockworks' quarries, reclamation would limit visual contrast of reclaimed quarries with adjacent lands to acceptable levels as required by the Montana Metal Mine Reclamation Act. Even with recontouring and revegetation of the sites after closure, the sites would look disturbed for a long time. The rocks would weather and surrounding stands of trees would eventually regenerate, limiting visibility of the sites over time.

In the Draft EIS for Plum Creek's Operating Permit and the Draft CEA for Montana Rockworks proposed operating permit, DEQ concluded that quarrying would have negative impacts on the environment. DEQ also concluded that rocks would be removed which would be an unavoidable impact of permitting the quarries. Plum Creek, Montana Rockworks, and private landowners have a right to develop their private property as long as they comply with existing statutes.

"The safety issues are enormous, especially for our children. The amount of rock trucks on the side roads will drastically increase."

Traffic impacts from the quarry operations were addressed in the Draft CEA in Section VIII.3a and VIII.11. In the Draft CEA, DEQ estimated that the proposed new quarry near the Freemans' property would add three to four rock trucks a day hauling to Montana Rockworks rock processing factory on Highway 2. There would also be workers traveling to the site in pickups.

On June 13, 2007 Montana Rockworks sent DEQ information based on the truck traffic from the existing Castle Rock Quarry near McGregor Lake. In 2005, Montana Rockworks hauled 4,953 tons of stone off the Castle Rock site. Based on 24 tons of rock per truck load, this is 205 truck loads. In 2006, they hauled 5,482 tons of stone. Based on 24 tons per truck, this is 228 truck loads per year. This is less than one truck per day on the average. Traffic increases would be unavoidable impacts of permitting a quarry.

The road owner would want to ensure that the rock trucks do not exceed weight or speed limits. DEQ suggests that the local residents set up a meeting with the road owners, Plum Creek, and Montana Rockworks to discuss potential mitigations that would limit impacts to other road users as well as to the roads.

Other issues raised by the Freemans were addressed in the response to the Pinnell's letter above.

VII. Responses to May 8, 2007 form letters received from Ellis Willoughby, Elizabeth Lowe(?), Jerry Thomas, R. Jay Dundas, and Sara Newgard.

The issues raised in the May 8, 2007 letters were the same as those responded to in the Pinnell and Freeman letters listed above.

VIII. Responses to a May 5, 2007 letter from Justin and Sara Pinnell. They "plan to build our home in the next month on Bold Peak Road." Additional concerns raised in Justin and Sara Pinnell's letter are about safety, damage to roads, parking along roads, and working long days to meet commercial pressure to deliver rock products.

The letter is similar to the letter received from David and Carole Pinnell listed above. DEQ will address different points raised by Justin and Sara Pinnell. As mentioned in the response to David and Carole Pinnells' letter above, increases in traffic is an unavoidable impact if the operating permit is approved. The quarry traffic impacts listed in the Justin and Sara Pinnell's letter should be discussed with the road owner and potential mitigations identified that could be cost shared by the road users. DEQ believes that Montana Rockworks would pay their fair share of damages caused by traffic from their operations in a negotiated maintenance agreement. The road owner can set weight limits on the vehicles if heavy trucks are a concern for the road surface or verges. Noise from body slap, which is the noise associated with empty trucks traveling on rough gravel roads, would be an unavoidable impact of permitting a quarry and running empty trucks back up the roads.

If Montana Rockworks works long hours or blasts at night, DEQ would gladly meet with local residents and Montana Rockworks to discuss mitigations to limit impacts to surrounding residences.

op-applications\montanarockworks\PatrickFEAResponsetoCommentsPP

ATTACHMENT 2

175,00

Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

December 28, 2007

CYNDEE CARTER/BRAD MERCORD
MONTANA ROCKWORKS LLP
1107 ROSE CROSSING
KALISPELL, MT 59901

RE: Final Environmental Assessment for Montana Rockworks, LLP

Dear Ms. Carter and Mr. Mercord:

The Montana Department of Environmental Quality (DEQ) has approved an operating permit for Montana Rockworks, LLP contingent on receipt of the reclamation bond. DEQ published a Draft Checklist Environmental Assessment (CEA) on April 12, 2007. The Draft CEA addressed issues and concerns raised during agency scoping.

Comments concerning the adequacy and accuracy of the Draft CEA were received from the Montana Department of Natural Resources and Conservation, the U.S. Forest Service, four letters from private citizens, and Montana Rockworks. DEQ has responded to those comments. The comments did not change the conclusions in the Draft CEA. DEQ has decided to adopt the Draft CEA as Final and has selected the Agency Modifications to the Proposed Action alternative. The operating permit will be issued contingent on Montana Rockworks posting the required reclamation bond. Following are the approved permit conditions:

Permit Area: 2,221 acres
Permitted Disturbance: 860 acres
Maximum Disturbance Unreclaimed at any one Time: 200 acres
Bond: $382,083

If you have any questions, please call.

Sincerely,

Herb Rolfes

Herb Rolfes
Operating Permit Section Supervisor
Environmental Management Bureau
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
(406)444-3841 or email at hrolfes@mt.gov

Pending File .350
EMB\OP_Applications\MontanaRockworks\CarterFEACoverLetter