



Montana Department of
ENVIRONMENTAL QUALITY

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Brian Schweitzer, Governor

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April 4, 2008

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Dear Reader:

**LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE**

Enclosed for your review and comment is a Draft Checklist Environmental Assessment (CEA) for an operating permit requested by Jesson Rock-N-Ranch of Livingston, MT on November 1, 2007. Jesson Rock-N-Ranch, located at 1066 Highway 10W, Livingston, MT 59047 filed an application for an Operating Permit from the Montana Department of Environmental Quality (DEQ), Environmental Management Bureau in Helena. Jesson Rock-N-Ranch would use a front end loader to pick up rock and boulders for landscaping and possible masonry purposes. The site would be on private land in Section 30, Township 2 South, Range 9 East. The site is located about 8 miles west of Livingston, MT.

Jesson Rock-N-Ranch seeks approval of its application for a 200 total acre permit area. The 200 acres would potentially be disturbed. Ground disturbance would normally be less than one foot in depth. If a permit is approved, Jesson Rock-N-Ranch would post a bond to ensure reclamation is completed.

The proposed operation has been reviewed for compliance under a Supplemental Programmatic Environmental Assessment (SPEA) for a General Quarry Operating Permit published by the DEQ in February 2004. DEQ has determined that this operation does not meet the requirements listed in the SPEA since there would be more than five acres disturbed and unreclaimed at any one time. An operating permit may be issued once the environmental analysis is completed, and the reclamation bond has been posted to ensure reclamation after completion of the rock collecting activities. If Jesson Rock-N-Ranch wants to expand onto other areas in the future, they would have to apply for an amendment or revision to the operating permit.

This Draft CEA evaluates the potential impacts from this operation. The 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 agency has decided to approve the permit as proposed with agency modifications 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 until May 4, 2008.

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

4/4/08
Date

DRAFT CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: Jesson Rock-N-Ranch, LLC, 1066 Highway 10W, Livingston, MT 59047

PROJECT: Removing landscaping and masonry stone from the surface.

PERMIT OR LICENSE: Operating Permit Application.

LOCATION: The proposed quarry sites would be about 8 miles west of Livingston, MT on private property, in the southwestern and west central portion of Section 30, Township 2 South, Range 9 East (See Figure 1)

COUNTY: Park County

PROPERTY OWNERSHIP: Federal State Private

TYPE AND PURPOSE OF ACTION: Jesson Rock-N-Ranch (JRNR) would remove rock for landscaping and masonry use. Most of this work would be performed through hand picking and the use of a front end loader equipped with forks. Rock would be placed on a flatbed truck. Ground disturbance would involve two-track roads. Some leveling of the ground may be required. The permit area would encompass 200 acres, which includes about 1 acre for the loadout/truck turn-around area. Disturbance would be approximately 200 acres over the proposed 50 year mine life. The work would be seasonal (approximately mid-April to October) with 15 to 20 truckloads removed per month for an approximate total to 350 tons per season.

Rock would be lifted from the surface. There would not be any need for soil salvage, except for possible future expansion of the loadout/truck turn-around area.

Existing ranch roads would be used, where possible, eliminating the need to construct new ones. Two-track roads would be used elsewhere with some leveling required. Roads would remain for ranch access, and would be seeded.

Water is not used in the process. The operator would take appropriate measures to ensure protection of surface and groundwater quality and quantity. No surface water leaves the site.

Fuel tanks and solid waste would not be stored on site.

DEQ must prepare an environmental assessment (EA) because the site exceeds the 5-acre disturbed and unreclaimed at any one time disturbance limitations in a Supplemental Programmatic Environmental Assessment (SPEA) completed by DEQ for rock collecting sites and quarries in 2004. The site proposed by JRNR meets all requirements under the SPEA except the disturbance cannot be kept below five acres disturbed and unreclaimed at any one time.

N = Not present or No Impact would 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	[Y] The predominant soils that would be impacted would be stony, very stony, and extremely bouldery soils found on 4 to 45 percent slopes in

IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>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>	<p>the area. Soil would not be salvaged as rock would only be removed from the surface. Soil disturbance is an unavoidable impact of rock collecting activities. The small size of the disturbances would limit soil loss due to wind erosion. Some two-track roads would be graded in to allow access to product found on the steep slopes. Some water and wind erosion could occur off the road disturbances until reseeding takes hold. The roads would be left for future ranch use. 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>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?</p>	<p>[N] All of the sites are dry and over 100 feet from surface water. There would not be any excavations, although some two-track access roads would be graded in. Groundwater would not be impacted. Impacts from petroleum product spills and herbicide use to control weeds would be limited by the distance from water. One closed groundwater well is about 400 feet from the property line and one is about 750 feet from the property line. Sediment from eroding roads would not reach surface water.</p>
<p>3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?</p>	<p>[Y] There would be dust produced by these operations due to travel on dirt roads commonly found in the area. The landowner will be responsible for controlling dust.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?</p>	<p>[Y] The native plant communities that would be impacted are common in the mountain foothills of Montana. Disturbance of these native plant communities is an unavoidable impact of the rock collecting and road building activities. Reclamation and reseeding of the rock removal sites and roads would limit impacts but the native plant communities cannot be restored. Removal of rocks from the fields would enhance the use for grazing purposes.</p> <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 the proposed rock removal area.</p> <p>The disturbance on the sites would lead to more noxious weed invasion in the area and loss of more native species. This is an unavoidable impact of disturbance. Weed control efforts would limit these impacts.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</p>	<p>[Y] The area is commonly used by deer, elk, Hungarian partridge, coyotes and other wildlife and bird species.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>Is there substantial use of the area by important wildlife, birds or fish?</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 threatened and endangered animal species or species of concern that have either been sighted in the general area or could be expected to be found in the permit boundary. The gray wolf (listed as endangered), Canada lynx (listed as threatened), grizzly bear (listed as threatened) and wolverine (listed as sensitive) have been sighted in the general area. The Yellowstone cutthroat trout (listed as a sensitive species) has been found nearby. The level of impacts and seasonal use of the area for rock collecting would limit impacts to these species.</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 no cultural areas of concern have been recorded in the general area. 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] The proposed rock picking site is in a rural area near Livingston, MT. 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. Once rock has been removed the area would be reseeded. The reclaimed rock collecting sites would not have the appearance of the original rocky, boulder strewn landscape. Two-track roads would be left for ranch access and would be visible on the landscape.</p>
<p>9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area?</p>	<p>[N] This project would be isolated and require a minimum of energy resources.</p>
<p>10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?</p>	<p>[N] The surrounding land use is livestock grazing, timber production, and some dryland crop production. Surface disturbance has occurred in the past in the form of rock picking. No other projects are proposed in the area.</p>

IMPACTS ON THE HUMAN POPULATION

<p>11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p>[N]</p>
<p>12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION:</p>	<p>[Y] This operation is a source of income for the rancher.</p>

IMPACTS ON THE HUMAN POPULATION	
Will the project add to or alter these activities?	
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] Only one paid family member would be employed.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[Y] This project would create some 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 traffic that would result from the rock picking activities.
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 areas or major recreational areas near the Jesson Ranch. The major recreational use is hunting and fishing. Livingston is a gateway from off Interstate 90 to Yellowstone Park.
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 with only one paid family member. The work would be seasonal (approximately mid-April to October) with 15 to 20 truckloads per month. .
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action	[N]

IMPACTS ON THE HUMAN POPULATION	
cause a shift in some unique quality of the area?	
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]
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.	[N/A]
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

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: If additional acreage is required for the loadout/truck turn-around area or where processing of rock is to take place, soil must first be salvaged. The current loadout site will need to be ripped before seeding takes place upon closure.
26. Public Involvement: A legal notice was published in the Livingston Enterprise and Montana Pioneer

Press and a press release issued notifying the public of the proposed operation. No comments were received. Another legal notice and press release will be issued when this CEA is 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 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 or rock collecting. 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;
- There would be no impact to threatened and endangered species; and
- There would be no impact to significant historic or archaeological features.

The rock collecting site proposed by JRNR meets all these requirements except the operator cannot keep the disturbance to less than five acres disturbed and unreclaimed at any one time. Even though the site may exceed five acres disturbed and unreclaimed at any one time, there would be no other impacts other than the size of the disturbance area over those analyzed in the SPEA. This Checklist EA tiers to the 2004 SPEA. Reclamation would limit impacts. DEQ would bond JRNR to reclaim acres disturbed by rock picking.

29. Cumulative Impacts: Many acres could be potentially disturbed by rock picking and quarry operations throughout Montana as a result of the demand for building stone. DEQ has approved an operating permit for ES Stone for rock collecting activities in Wheatland, Golden Valley and Cascade counties. Additionally, Montana Rockworks has rock collecting operations in Wheatland County, as does Rocky Mountain Stone and Bozeman Brick Block and Tile. Big Sky Masonry has an operating permit application for rock picking in Wheatland County. The cumulative impacts from all these operations would lead to the loss of geologic resources, more soil disturbance requiring reclamation, more impacts to native plant communities, and increased potential for noxious weed invasion and spread, and economic benefits to the local economies from rock collecting operations. No other operations have been proposed in Park County.
30. Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

The DEQ has selected the Proposed Plan with Agency Modifications as the preliminary Preferred Alternative. This

