

ENVIRONMENTAL ASSESSMENT

PROPONENT:	Western Reclamation, LLC	SITE NAME:	Monaghan Site
LOCATION:	SW4 SW4 Section 20, T16N, R25W	COUNTY:	Mineral
		DATE:	March 24, 2009

TYPE AND PURPOSE OF ACTION:

The applicant proposes to mine and haul 10,000 cubic yards of sand and gravel from a 20.0 acre site near the intersection of Interstate 90 and the BN Railroad track, approximately 6 miles southeast of Superior. The site is currently forested at an elevation of approximately 2790 feet above sea level (see FIGURE 1 – SITE MAP). The site is located in a forested area below the steeply-rising foothills of the Bitterroot Mountains. Mining would initially open up a 2-acre pit and continue to expand until the available material has been extracted from the full 20 acres. No bulk fuel would be stored on site. It would create a dry depression in the flat land between the interstate highway and the foothills. The applicant would reclaim the site to a pasture with slopes no steeper than 3:1, re-soiled and seeded to grass. A performance bond has been posted to ensure that final reclamation is completed. Mineral County has signed a DEQ form stating that the site and proposed mining complies with the zoning in effect. Hours of operation proposed are from 7:00 a.m. to 7:00 p.m., Monday through Friday. Final reclamation would be completed in December of 2024.

This environmental assessment (EA) is required under the **Montana Environmental Policy Act (MEPA)**. An EA functions to identify, disclose and analyze the impacts of an action, in this case operating a gravel pit on which the state must make a decision, so that an informed decision can be made. MEPA sets no environmental standards, even though it requires analysis of both the natural and human environment. This document may disclose many impacts that have no legislatively required mitigation measures or over which there is no regulatory authority. The state legislature has provided no authority in MEPA to allow DEQ or any other state agency to require conditions or impose mitigations on a proposed permitting action that are not included in the permitting authority and operating standards in the governing state law, such as the Opencut Mining Act, the Clean Air Act of Montana, or any other applicable state environmental regulatory law. Beyond that, a company may agree to voluntarily modify its proposed activities or accept permit conditions.

The state law that regulates gravel-mining operations in Montana is the **Opencut Mining Act**. This law and its approved rules place operational guidance and limitations on a project during its life, and provide for the reclamation of land subjected to opencut materials mining. This law requires that a reclamation bond, cash deposit or other financial instrument be submitted to the state to cover the complete costs of reclaiming the site to its approved, post-mining land use, if the permittee fails to reclaim the site as required by the law, the rules, and the permit.

The decision to issue a permit is based on whether or not the proponent has met the requirements of the Opencut Mining Act and pursuant rules pertaining to its proposed actions.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE AND EXAMPLE/GUIDANCE QUESTIONS	POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:</p>	<p>The proposed site is located on a flat terrace along Interstate 90 in sediments of unconsolidated silt, sand, rock and gravel. The deposit consists of water-worked glacial debris overlying deeper valley bedrock. The site is forested and has been logged.</p> <p>Soil, which is 4” to 6” of forest duff and ash cap, would be salvaged and stockpiled away from the pit, road and facility area. Following mining, grading and ripping, the soils would be replaced, disked and seeded to grass. There are no fragile, compactable or unstable soils present, no unusual geologic features and no special reclamation considerations.</p>
<p>2. WATER QUALITY, QUANTITY AND DISTRIBUTION:</p>	<p>The site is located in a gravelly stream terrace and would be mined approximately 20 feet deep. Cougar Creek, an intermittent stream, runs past this site and on across the railroad tracks to the Clark Fork River near the extreme northwest corner of the site. The Clark Fork River is located 950 feet northwest of the site across the railroad tracks and flows toward the west. No surface water would run through this site, and no negative effects are expected on surface waters in the area as a result of mining at this location. No fuel would be stored onsite; portable equipment would be refueled by pumping from mobile trucks.</p> <p>There are 20 water wells located within section 20 that average 132 feet in depth, with average static water levels of 96 feet and that yield an average 27 gallons per minute. The estimated depth of mining would be 20 feet, and would not intercept the water table. The proposed post-mining use is a pasture.</p>
<p>3. AIR QUALITY:</p>	<p>There would be some increase in particulate matter at times as a result of operating equipment and trucks as a result of this permit, but the impacts on air quality would be controlled by watering the road during operations and by planting grass into the overburden and topsoil piles. Dust from sand and gravel operations of this type generally contribute somewhat to a decline in overall air quality, especially during the hot, dry summer months when mining, loading and trucking equipment would be most active. However, air quality regulations must be followed at this site, and the impacts must be kept below an acceptable level.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY:</p>	<p>There are no known rare or sensitive plants in the site area. Vegetation consists of conifer forest, and covers 85% of the ground. It would be removed and the site replanted with grass species compatible with the proposed reclaimed use.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</p>	<p>The area is primarily forest, and supports populations of deer, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. Population numbers for these species are not known. The proposed mine is expected to temporarily displace some individual species and it is likely that the site would be re-inhabited following reclamation.</p>
<p>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:</p>	<p>Site evaluations and DEQ staff analyses have not revealed any unique, endangered or threatened plant or animal species that would be directly</p>

	affected to a significant degree. Animal species of special concern are known to utilize the general area, but none have been reported at this site. Species of special concern in this area include the Lynx, Westslope Cutthroat trout and the Bull trout.
7. HISTORICAL AND ARCHAEOLOGICAL SITES:	Although there are cultural values in the general area, much of this site has been previously disturbed by modern man by logging and ranching, thus destroying the integrity of resources that may have existed. The operator is committed to give appropriate protection to any values or artifacts discovered in the affected area in the permit area. If significant resources are found, the State Historic Preservation Office would be promptly notified.
8. AESTHETICS:	The site is visible from traffic along Interstate 90. Hours of operation for the site are 7:00 a.m. to 7:00 p.m., Monday through Friday.
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:	There are no unusual demands on land, water, air or energy anticipated as a result of this permit.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES:	There are no other studies, plans or projects planned for this site.

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
11. HUMAN HEALTH AND SAFETY:	Heavy equipment and facilities including screening equipment, trucks and loaders would create hazards, but the operator must comply with all MSHA and OSHA regulations. The operator must employ proper precautions to avoid accidents.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION:	The acreage listed in the Type and Purpose of Action would be taken out of forest use and put into industrial/commercial use. Upon completion of mining, the land would be reclaimed to pasture.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:	Existing employees would mainly be utilized for this operation. There is low potential that this project would create any new jobs.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES:	Additional taxes may be generated for the county and state in the form of income to the landowner and fuel and highway taxes paid by hauling equipment.
15. DEMAND FOR GOVERNMENT SERVICES:	The operation would require periodic site evaluations by DEQ staff until such time as the site is successfully reclaimed to the required post-mining use. However, these evaluations are usually performed in conjunction with other area operations.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:	The proposed action complies with county zoning regulations. The Mineral County Sanitarian/Planner has signed the DEQ Zoning Form.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:	No wilderness or recreational areas are nearby or accessed through this tract.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:	The project would not likely affect population numbers or distribution in the area.
19. SOCIAL STRUCTURES AND MORES:	This permit would have little effect on social structures or mores. The area has generally undergone some logging in the recent past, but remains very rural. Traditional land use has been logging and ranching, but the area is also underlain by a conveniently located deposit of sand and gravel that lies very close to the interstate.

FIGURE 1 – SITE MAP



PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

PROPERTY DESCRIPTION: Sections 20, T16N, R25W, Mineral County

COMPANY NAME: Western Reclamation LLC, Monaghan Site

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PPAA?

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically viable uses of the property?
	X	4. Does the action deny a fundamental attribute of ownership?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 5a and 5b and continue with question 6.)
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property?
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? (If the answer is NO, skip questions 7a-7c)
		7a. Is the impact of government action direct, peculiar, and significant?
		7b. Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
		7c. Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.