

ENVIRONMENTAL ASSESSMENT

On an Application for an

OPENCUT MINING PERMIT or AMENDMENT

This Environmental Assessment (EA) is required under the Montana Environmental Policy Act (MEPA). An EA functions to identify, disclose, and analyze the impacts of a proposed action. This document may disclose impacts that have no legislatively required mitigation measures, or over which there is no regulatory authority.

The state law that regulates gravel mining operations in Montana is the Opencut Mining Act. This law and the rules adopted hereunder place operational guidance and limitations on a project during its lifetime, and provides for the reclamation of land affected by opencut mining operations.

Local governments and other state agencies may have authority over different resources and activities under their regulations. Approval or denial of this Opencut Application will be based on a determination of whether or not the proposed operation complies with the Opencut Mining Act and the Rules adopted hereunder.

Applicant: Robin Street

SITE NAME: Whitefish River Site

LOCATION: SENE, Sec 29, T29N, R21W

COUNTY: Flathead

DATE: July, 2009

PROPOSAL: The proponent has submitted an application to conduct opencut mining operations for sand and gravel on 15.2 acres of hay field and pasture lands on a terrace adjacent to the Whitefish River near Rose Crossing. The application, if approved would allow mining of up to 120,000 cubic yards of material over a six year period. There would not be any processing of materials at this site; all would be hauled to another location.

As part of the permit application, the proponent has submitted a Plan of Operation that provides baseline information, operation plans and plans for reclamation that would provide a post-mine land use of recreational fish pond with the potential to be part of a program with oversight by the Montana Fish Wildlife and Parks Department. Failing involvement by FWP, the site would be reclaimed to those standards provided by DEQ's pond guidelines and the pond would function the same but without public access guaranteed. Reclamation is required by the Opencut Mining Act and backed by a reclamation bond to ensure reclamation should the applicant be unwilling or unable to perform the work.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:	<p>The site is on a rolling river terrace above the Whitefish River that has been scarred by some post-glacial stream meanders. Soil depths vary over the site from very limited on the north side, to 12 inches of sandy loams on the southwest.</p> <p><i>Impacts:</i> There would be an irreversible and irretrievable removal of gravel from the site and a small impact to the quantity and quality of soils from salvaging, stockpiling, and resoiling activities, but this would not impair the capacity of the soils to support full reclamation. The creation of a pond with proper slope construction would not cause instability of materials.</p> <p>There are no unusual topographic, geologic, soil or special reclamation considerations that would lead to reclamation failure.</p>
2. WATER QUALITY, QUANTITY AND DISTRIBUTION	<p>Groundwater quality is generally very good and transmissivity through these gravels is high enough to prevent excessive algal growth and warming.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
	<p><i>Impacts:</i> The proposed activities would create an open water source for fisheries. Open waters would offer a greater opportunity for pollutants to contaminate the aquifer but the applicant would not store fuel on the site and would be required to immediately remove spills and report such if quantities greater than 25 gallons are released. Upon completion of the mining, there would not be any petroleum-based products on site and the likelihood of contamination from other sources is minimal.</p>
<p>3. AIR QUALITY</p>	<p>DEQ has an Environmental Protection Agency-approved air quality program. Permits and permit conditions are established to promote compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health and the environment.</p> <p>Air quality permits would be required on the processing equipment before installment. Machinery, such as generators, crushers and asphalt plants, are individually permitted for allowable emissions. Best Available Control Technology (BACT) is the usual standard applied. There is not however, any processing equipment proposed for this site, and in fact the Flathead County Conditional Use Permit prohibits such equipment.</p> <p>Fugitive dust is that which blows off the pit floor, stockpiles, gravel roads, farm fields, etc. It is considered to be a nuisance but not harmful to health. Because this material would be mined into the groundwater, there should not be any dust from the mining. Hauling operations would create dust but these roads would be oil sealed to prevent such.</p> <p><i>Impacts:</i> Air quality standards are enforced by the Air Resources Management Bureau of the DEQ and would allow minimal detrimental air impacts.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY</p>	<p>This site is currently a marginal hay field and pasture land that has been planted to orchard grass and alfalfa.</p> <p><i>Impacts:</i> All vegetation would be removed when the site is stripped of topsoil. There would be a certain amount of seed and propagules that would germinate in the soil stockpiles and some seed that would remain viable until resoiling. All disturbed areas above the high water mark would be revegetated following mining.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</p>	<p>Although the area is used primarily for pasture and hay fields, it supports populations of deer, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. The riparian area paralleling the Whitefish River offers a diverse species list. Population numbers for these species are not known.</p> <p><i>Impacts:</i> The proposed mine is expected to temporarily displace some individual species and it is likely that the site would be re-inhabited outside the pond area following reclamation to similar habitat. The pond area including the undulating shoreline would support fish, amphibians, reptiles and other species. If the Montana Department of Fish Wildlife and Parks managed this area, the fisheries would be maintained by them.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:	The Montana Natural Heritage Program lists the occurrence of Bull Trout, Westslope Cutthroat trout and the long-billed curlew as being species of concern and present in the region. <i>Impacts:</i> None of the listed species have been found on this site and this operation would not impact native fisheries in the Whitefish River because of internal drainage. Even if suitable habitat did exist in this particular area, the disturbance would be small and large areas of similar or identical habitat surround the site. The possible impact to these species would be minimal.
7. HISTORICAL AND ARCHAEOLOGICAL SITES	The Montana State Historic Preservation Office (SHPO) was provided with copies of all application materials and reported that no sites have been discovered previously on this property. A walkover of the area by DEQ personnel did not reveal any artifacts or signs of occupation. No signs were evident at depth in areas of exposed soil profiles. <i>Impacts:</i> If during operations, resources were to be discovered, activities would be temporarily moved to another area or halted until SHPO was contacted and the importance of the resources was determined.
8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY	Diesel fuel would be consumed as the gravels are hauled to another site for processing. <i>Impacts:</i> Negligible impacts to land, water, air or energy would occur.

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS	Flathead County has issued a Conditional Use Permit (FCU-07-03) for this property and operation.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	This area is a rural with many small farms and encroaching residential units. <i>Impact:</i> There will not be any new housing or employment created.
11. AESTHETICS	The operator would be constructing visual berms on the east and south sides of the operation where there is some visibility of the site. Hours of operation are limited to 7 am – 7 pm Monday through Friday.
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	<i>Impacts:</i> There would not be any employment modifications.
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	This site is currently utilized for marginal hayfields and pasture. <i>Impacts:</i> Upon completion of mining and creation of the recreational fish pond, the remaining acreage would be returned to pastureland. Five and a half acres of agricultural land would be permanently taken out of production.
14. LOCAL, STATE TAX BASE AND TAX REVENUES, PERSONAL AND COMMUNITY INCOME	Local and state governments would be responsible for appraising the property and determining taxable values. The landowner would gain income from sale of the gravel.
15. DEMAND FOR GOVERNMENT	Minimal services would be required because the DEQ would generally

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
SERVICES	conduct the oversight inspections with those of other operations in the area. If the FWP assumed a management role in the fish pond, they would incur time and expense although it is assumed these expenditures would be minimal. Other service demands are unknown.
16. HUMAN HEALTH AND SAFETY	Operating equipment and hauling of gravel as would occur here would increase the likelihood of accidents. However, the operation would be monitored by OSHA and MSHA to reduce the risk.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES	This is private property. However, if the FWP assumed a role in the fish pond however, this property would add to public recreational opportunities in the area.

18. Alternatives Considered:

- A. Denial Alternative: The Department would deny an application that does not comply with the Act and Rules. No impacts to the natural or human environment would occur.
- B. Proposed Action Alternative

19. Public Involvement, Agencies, Groups or Individuals contacted: Montana State Historic Preservation Office, Montana Natural Heritage Program, the Flathead County Planning Office and the Montana Department of Fish Wildlife and Parks.

20. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction: Required: Flathead County Commission or County Planning Department (zoning clearance), Flathead County Weed Control Board, MSHA and OSHA regarding mine safety.

21. Regulatory Impact on Private Property: The analysis done in response to the Private Property Assessment Act indicates no impact. The Department does not plan to deny the application or impose conditions that would restrict the use of private property so as to constitute a taking.

22. Magnitude and Significance of Potential Impacts: Insignificant as proposed because of the relative size and the conditions imposed by the Opencut Mining Act.

23. Recommendation for Further Environmental Analysis: [] EIS [x] No Further Analysis

EA Prepared By: Steve Welch Opencut Mining Program Environmental Specialist
Name Title

EA Reviewed By: Neil Harrington Chief, Industrial and Energy Mineral Bureau
Name Title

Signature

Date

Attachment: Copy of 1/5/07 letter from Jim Vashro, Montana Department of Fish Wildlife and Parks.