

ENVIRONMENTAL ASSESSMENT

On an Application for an

OPENCUT MINING PERMIT

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 provide 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 thereunder.

APPLICANT: Treasure County

SITE NAME: Strand

LOCATION: Section 15, T6N, R36E
Section 22, T6N, R36E

COUNTY: Treasure

DATE: December 2009

PROPOSAL: This 8.1-acre site is located about 4 miles south and east of Hysham off Hill Road. The access road would improve an existing road. The county would mine about 7 acres. A screen would be the only processing equipment used. The gravel would be used for local road and county projects.

No reclamation bond is required for a county pit. The permit area would be reclaimed to grazing by December 2019. The access road would remain.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:	<p>This area is a fairly flat-topped bench that extends for several miles generally parallel to the Yellowstone River, which is about a mile to the north.</p> <p>Test pits show the depth from the ground surface to the bottom of the gravel is 15 feet or more.</p> <p>The soil is sandy loam with an average of 12 inches of topsoil and 6 inches to 2 feet of overburden.</p> <p>Precipitation averages 15 inches.</p> <p><i>Impacts:</i> An irreversible and irretrievable removal of sand and gravel from the site would occur. A small impact to the quantity and quality of soils from salvaging, stockpiling, and resoiling activities also would occur, but this would not impair the capacity of the soils to support full reclamation.</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>There are no streams or ponds on or near the site. A landowner's well and metal stock tank are about a quarter mile to the north. The Yellowstone River is about a mile to the north.</p> <p>The only water use would be for dust suppression. It is being</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
	<p>provided from an off-site source.</p> <p><i>Impacts:</i> Mining would not enter the groundwater and would not impact any springs, wells, or other groundwater. The proposed activities would have a minimal effect on the quantity and quality of the surface and groundwater resources.</p>
3. AIR QUALITY	<p>Air quality standards are based upon the Clean Air Act of Montana and pursuant rules and are administered by the DEQ Air Resources Management Bureau (ARMB). This program has been approved by the U.S. Environmental Protection Agency (EPA). These rules and standards are designed to be protective of human health and the environment.</p> <p>The only processing equipment would be a screen.</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.</p> <p><i>Impacts:</i> Air quality standards as set by the federal government and enforced by the ARMB would allow minimal detrimental air impacts.</p>
4. VEGETATION COVER, QUANTITY AND QUALITY	<p>The site is vegetated with native grasses and sagebrush.</p> <p><i>Impacts:</i> No long term detrimental impacts to the rangeland would occur.</p>
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:	<p>The area is used as rangeland. Presently a few horses are grazing there. It also helps support deer, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. 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 following reclamation to similar habitat.</p>
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:	<p>The Montana Natural Heritage Program (MNHP) does not list any species of concern in this area.</p> <p><i>Impacts:</i> None</p>
7. HISTORICAL AND ARCHAEOLOGICAL SITES	<p>The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported no sites have been discovered previously on this property. A pedestrian survey of the area by DEQ personnel did not reveal any artifacts or signs of occupation. No signs were evident at depth in the previously disturbed area.</p> <p><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.</p>
8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY	None

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS	None
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	There are 10 landowners within a half mile of the site. No residences are nearer than a quarter mile. <i>Impacts:</i> No new employment opportunities would occur because this is a small, short term, county operation.
11. AESTHETICS	The plan calls for the topsoil and overburden to be stockpiled generally to the southwest. <i>Impact:</i> The only residence nearby is over a quarter mile away across the interstate. The hours of operation are long but this is agricultural land where residents work similar hours.
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	<i>Impacts:</i> Agricultural production would be reduced on the site for the life of the permit.
14. LOCAL, STATE TAX BASE AND TAX REVENUES, PERSONAL AND COMMUNITY INCOME	Local, state and federal governments would be responsible for appraising the property, setting tax rates, collecting taxes, etc., from the companies, employees, or landowners benefitting from this operation. Following reclamation, it is assumed the tax base would revert to pre-mine levels
15. DEMAND FOR GOVERNMENT SERVICES	Limited oversight and inspections by DEQ officials are generally conducted in concert with other area activity.
16. HUMAN HEALTH AND SAFETY	Any industrial activity will increase the opportunities for accidental injury. Other government agencies (e.g. MSHA, OSHA) require specific safety measures. As a result, there is no reason to believe that significant safety issues would be present.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES	This activity would not inhibit the use of the identified resources.
18. NATIVE CULTURAL CONCERNS	<i>Impacts:</i> None.

19. 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

20. Public Involvement, Agencies, Groups or Individuals contacted: Montana State Historic Preservation Office, Montana Natural Heritage Program

21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction: Treasure County Planning Department (zoning clearance), Treasure County Weed Control Board, DEQ Air Resources management Bureau, MSHA and OSHA regarding mine safety.

22. **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.

23. **Magnitude and Significance of Potential Impacts:** This proposal is not likely to create impacts of significance due to mitigation, restrictions, and oversight mandated by the Opencut Mining Act and pursuant rules.

24. **Recommendation for Further Environmental Analysis:** [] EIS [X] No Further Analysis

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Name Title

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Name Title

PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.