

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: Schellinger Construction

SITE NAME: Stoltz 2 Site

LOCATION: Section 2, T31N, R6W

COUNTY: Pondera

DATE: January 2010

PROPOSAL: The site is located approximately 12 miles north of Valier just east of Hwy 44. The site has been permitted and reclaimed at least twice before for previous gravel mining operations. The proponent proposes to mine, crush, screen, stockpile and transport approximately 40,000 cubic yards of gravel from a proposed 14.5 acre site. The proponent also proposes an asphalt plant to be set up onsite. Once mining is complete, the site would be reclaimed to cropland. An acceptable Plan of Operation would be followed and a reclamation bond held to ensure that reclamation is completed to meet state standards by November 2010.

A reclamation bond of \$35,875.00 would be held on 14.5 acres by DEQ to ensure the final reclamation use of cropland by November 2010 would be accomplished.

This application contains all items required by the Opencut Act and Rules. Proponent commits to properly conducting opencut operations and would be legally bound by the permit.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:	<p>The site is located in the Two Medicine Formation of Laurentide glacial deposits with considerable thickness.</p> <p>The site is located on top of a bench, to the south of Two Medicine River and slopes gently to the north (towards the river). The surrounding topography consists of rolling hills with drainages and swales.</p> <p>The soil consists of 10 inches of silty loam topsoil and 12 inches of overburden. The site receives approximately 12 inches of precipitation a year.</p> <p><i>Impacts:</i> An irreversible and irretrievable removal of gravel from the</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
	<p>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. 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>No wells have been identified within 1,000 feet of the proposed permit boundary. The Two Medicine River is located approximately 800 feet north of the proposed permit boundary and there is a small pond located approximately 200 feet to the west of the proposed permit boundary.</p> <p><i>Impacts:</i> 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). Its program is approved by the Environmental Protection Agency (EPA). 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.</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 currently fallow, but has been used to grow wheat in the past. The north side of the site consists of native grasses, including but not limited to bluebunch wheatgrass, Idaho fescue, blue grama, western wheatgrass, etc.</p> <p><i>Impacts:</i> No long term detrimental impacts to the vegetation would occur.</p>
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:	<p>The area supports populations of 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) lists no species of concern in the vicinity of the site.</p> <p><i>Impacts:</i> Impacts to existing wildlife, caused by mining, would likely be small and large areas of similar or identical habitat surrounds the site.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
7. HISTORICAL AND ARCHAEOLOGICAL SITES	<p>The Montana State Historic Preservation Office (SHPO) was notified of the proposed permit application. SHPO recommended that a cultural resource inventory be conducted in order to determine whether or not archeological and/or historical sites exist and if they will be impacted. The Department does not feel that a cultural resource inventory is warranted for this site as most of the site is either cropland or has been mined in the past.</p> <p><i>Impacts:</i> In accordance with the signed Plan of Operation, 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	Negligible impacts to land, air, or energy would occur.

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS	The site is not zoned.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	<p>As seen on the aerial photo of the surrounding area, the site is located in a rural location and should provide minimal impact on the public.</p> <p><i>Impact:</i> This short term commercial pit is being sited in this area because of the location of the resource, and to complete an MDT project.</p>
11. AESTHETICS	There are no nearby residents located near this site. The site consists of cropland and will continue to be used as cropland after mining is complete.
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	New employment opportunities would be limited as this is a short term project that will likely utilize existing personnel.
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	Up to 14.5 acres of dryland cropland will be taken out of production for one season. This will not substantially impact the local grain production. The site will be reclaimed to dryland cropland.
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

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
15. DEMAND FOR GOVERNMENT SERVICES	Limited oversight by DEQ officials that are generally conducted in concert with other area activity would occur.
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: None.</i>

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: Pondera County Commission (zoning clearance), Pondera County Weed Control Board, MSHA and OSHA regarding mine safety.

Possible permits required from other programs or agencies: DEQ's Air Resources Management Bureau regarding air quality, DEQ's Water Protection Bureau for stormwater or discharge permits.

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 and the Montana Clean Air Act.

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

EA Prepared By: JJ Conner Opencut Mining Program Environmental Specialist
Name Title

EA Reviewed By: Chris Cronin Opencut Mining Program Supervisor
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.

SHELLINGER CONSTRUCTION CO.
STOLTZ 2 SITE
SEC. 2, T31N, R6W
PONDERA COUNTY
JANUARY 12, 2010
PERMIT AREA=14.5 ACRES

SITE MAP

