

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 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: Schellinger Construction Co., Inc.

SITE NAME: Foster

LOCATION: Section 8, T10N, R2W

COUNTY: Lewis and Clark

DATE: March 2010

PROPOSAL: The site is located approximately 10 miles northeast of the city of Helena on Lake Helena Drive. Approximately 150,000 cubic yards of material would be excavated in a 27.0 acre permit area. A grizzly, crusher, screen, and asphalt plant would be the processing equipment used during the operation. A reclamation bond of \$81,407 would be held by DEQ to ensure the final reclamation use of cropland by July 2011, 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 his 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 set in flat agricultural/grazing land on what appears to be an alluvial terrace, approximately 10 miles northeast of Helena. The mean annual precipitation in this area is 10 to 14 inches.</p> <p><i>Site Specific Impacts:</i> An irreversible and irretrievable removal of 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. There are no unusual topographic, geologic, soil, or special reclamation considerations.</p>
2. WATER QUALITY, QUANTITY AND DISTRIBUTION	<p><i>Site Specific Impacts:</i> The proposed activities would have a minimal effect on the quantity and quality of the surface and groundwater resources.</p> <p><i>Cumulative Impacts:</i> Cumulative impacts by the proposed action on resources would be negligible.</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</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
	<p>Environmental Protection Agency (EPA). These rules and standards are designed to be protective of human health and the environment. 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. 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>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY</p>	<p><i>Impacts:</i> No long term detrimental impacts to the vegetation would occur.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</p>	<p>Although the area is used primarily for a hayfield/cropland, it also supports populations of deer, rodents, song birds, coyotes, foxes, wolves, 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>
<p>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:</p>	<p>The Montana Natural Heritage Program (MNHP) lists 3 species of concern: The Bald Eagle (<i>Haliaeetus leucocephalus</i>), the Bobolink (<i>Dolichonyx oryzivorus</i>), and the Gray Wolf (<i>Canis lupus</i>).</p> <p>Bald Eagle: <i>Haliaeetus leucocephalus</i> is a bird of prey found in North America that is most recognizable as the national bird and symbol of the United States of America. This sea eagle has two known sub-species and forms a species pair with the white-tailed eagle. Its range includes most of Canada and Alaska, all of the contiguous United States and northern Mexico. It is found near large bodies of open water with an abundant food supply and old-growth trees for nesting.</p> <p>Bobolink: <i>Dolichonyx oryzivorus</i> is a small new world blackbird and the only member of the genus <i>Dolichonyx</i>. These birds migrate to Argentina, Bolivia and Paraguay. Bobolinks forage near the ground, and mainly eat seeds and insects. They prefer tall prairie grass and other open areas with dense grass, but can also be found in hay fields.</p> <p>Gray Wolf: <i>Canus lupus</i> is the largest of the wild dogs. In Montana, its range is predominately the western mountainous portion of the state. This species is not migratory but may move seasonally following migrating ungulates within its territory. The gray wolf exhibits no particular habitat preference except for the presence of native ungulates within its territory on a year round basis.</p> <p><i>Impacts:</i> The listed species have not been found on this site. Even if suitable habitat did exist on this site, the disturbance area would be small and large areas of similar or identical habitat surrounds the site. The possible impact to these species would be minimal.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
7. HISTORICAL AND ARCHAEOLOGICAL SITES	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.
8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY	<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	This site is not zoned.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	As seen on the aerial photo of the surrounding area, there is minimal population density. <i>Impact:</i> This pit is being sited in this area because of the location of the resource, and to provide gravel for road maintenance in the area.
11. AESTHETICS	There is a ranch house located to the west of the proposed permit boundary. Hours of Operation will be restricted to 7 am to 7 pm, Monday through Friday to reduce noise impact.
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	<i>Impacts:</i> New employment opportunities would be limited. This is a relatively small operation.
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	<i>Impacts:</i> Agricultural production would be reduced on the site for the life of the permit. Once the project is complete, the post-mining land use will return to 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.
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. There are agencies that require specific safety measures are in place. If followed 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 Identified.

PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

PROPERTY DESCRIPTION: Section 8, T10N, R2W Lewis and Clark County

COMPANY NAME: Schellinger Construction Co., Inc., Foster 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.



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