ENVIRONMENTAL ASSESSMENT

On an Application for an

OPENCUT MINING PERMIT

The Montana Department of Environmental Quality (DEQ) prepared this Environmental Assessment (EA) in accordance with requirements of 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 thereunder 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. The DEQ approval of this application would not relieve the operator from the obligation to comply with any other applicable federal, state, or county statutes, regulations, or ordinances. The operator is responsible for obtaining any other permits, licenses, approvals, etc. that are required for any part of the proposed operation.

COUNTY: Prairie

APPLICANT: Fisher Sand and Gravel

DATE: May 2010

SITE NAME: Ban Pit 2

LOCATION: Section 10, T15 N, R48 E

PROPOSAL: Fisher Sand and Gravel proposes to mine and crush 150,000 yards of gravel from the 40.1 acres. A 2.3 acre access road would be constructed from State Secondary Highway 253 to the site. The total permit area of 72.9 acres also includes 30.5 acres that is being is permitted as "Undisturbed Until Bonded." Bond must be submitted and approved by DEQ before commencing opencut operations on any portion of the "Undisturbed Until Bonded" area.

A reclamation bond would be held by DEQ to ensure that final reclamation of the 42.4 acres currently under bond to grassland would be completed by June 1, 2015.

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

Key: A: Significant Unavoidable Impacts **B**: Insignificant as a result of conditioned mitigation
C: Insignificant as proposed **L**: Long term Impacts **S**: Short Term Impacts

				POTENTIAL IMPACTS		
	A	B	C	L	S	EXPLANATION
PHYSICAL ENVIRONMENT						
1. TOPOGRAPHY			X	X		The mine site is on a high, flat ridge and finger ridges, with the facilities area at the base of the ridge. The ridge would be mined to daylight at a 4:1 slope down to the facilities area.
2. GEOLOGY; Stability			X	X		Alluvial material ranges in size from clays to small cobbles.
3. SOILS; Quality, Distribution			X		X	The soils are generally a clay loam with large rock content. They are about 12 inches deep with varying depths of overburden. The operator would salvage all available soils from the disturbed areas for reclamation. Average annual precipitation is between 12 and 15 inches, most

				POTENTIAL IMPACTS		
	A	B	C	L	S	EXPLANATION
						of which falls during the growing season. Reclamation to rangeland could be accomplished.
4. WATER; Quality; Quantity; Distribution			X		X	Cedar Creek is runs along Hwy 253 over a quarter mile to the west and would not be disturbed. There are no springs on site or on the slopes of the ridge. The local landowners' wells, more than a half mile away in the valley bottom, are from 67 to 500 feet deep. Since mining would be on the top of the ridge it would not impact any groundwater. Runoff from the disturbance would be kept on site. There would be no impact to water quality or quantity from mining.
5. AIR; Quality			X		X	The crusher and asphalt plants would have individual permits from the Air Resources Management Bureau (ARMB). Fugitive dust would be controlled with the use of water trucks. Air quality impacts would be minimal.
6. UNIQUE, ENDANGERED, FRAGILE, or LIMITED environmental resources						The site does not contain any species of concern.
BIOLOGICAL ENVIRONMENT						
1. VEGETATION; quantity, quality, species			X		X	The site is in native range. Mining would have minimal impact because it would be reclaimed to native rangeland species.
2. TERRESTRIAL, AVIAN, and AQUATIC; species and habitats			X		X	Deer, antelope, coyotes, and upland game birds have used the site. Mining would have minimal impact on wildlife mainly because the site has limited forage, shelter, or other wildlife value, and there are miles of the same habitat all around.
3. AGRICULTURE; grazing, crops Production			X		X	Mining would result in a minimal short term reduction of grazing.
HUMAN ENVIRONMENT						
1. SOCIAL; structures and mores			X		X	
2. CULTURAL uniqueness/diversity			X		X	
3. POPULATION; quantity/diversity			X		X	This is a rural site. The landowner's home is more than a half mile away.
4. HOUSING; quantity/distribution			X		X	
5. HUMAN HEALTH & SAFETY			X		X	
6. COMMUNITY & PERSONAL INCOME			X		X	
7. EMPLOYMENT; quantity, distribution			X		X	This material would be used for road construction and maintenance.
8. TAX BASE; state/local tax revenue			X		X	
9. GOVERNMENT SERVICES; demand			X		X	

				POTENTIAL IMPACTS		
	A	B	C	L	S	EXPLANATION
10. INDUSTRIAL, COMMERCIAL and AGRICULTURAL activities			X		X	
11. HISTORICAL and ARCHAEOLOGICAL			X		X	A walkover of the area did not reveal any artifacts or signs of occupation. No signs were evident at depth in previously disturbed nearby areas. If during operations resources were to be discovered, activities would be halted, or possibly temporarily moved to another area until SHPO was contacted and the importance of the site was determined.
12. AESTHETICS			X		X	There are no residences or businesses nearby that would be disturbed by this project.
13. ENVIRONMENTAL PLANS and GOALS; local and regional			X		X	
14. DEMANDS on ENVIRONMENTAL RESOURCES of land, water, air and energy			X		X	
15. TRANSPORTATION; networks and traffic flows			X		X	

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. Approval Alternative: The Department would approve an application that complies with the Act and Rules. Impacts of this application are addressed in the body of the EA.

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

21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction: Prairie County Commission or County Planning Department (zoning), Prairie County Weed Control Board, MSHA and OSHA (worker safety), DEQ ARMB (air quality) and Water Protection Bureau (groundwater and surface water discharge; stormwater), DNRC (water rights), and MDT (road access).

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

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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.