

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.

APPLICANT: Conner's Concrete Inc.

COUNTY: Sweet Grass

SITE NAME: Conner Pit

DATE: June 2010

LOCATION: Section 12, T1 N, R14 E
Sections 7, 18 T1 N, R15 E

PROPOSAL: The site is located approximately 1 mile northeast of Big Timber. Approximately 500,000 cubic yards of material would be excavated from a 27.3 acre permit area. The processing equipment to be used includes a grizzly, crusher, wash plant, and screen. A reclamation bond would be held by DEQ to ensure that final reclamation of the site to grassland and an industrial site would be completed by October 2015.

This application contains all items required by the Opencut Mining Act and its implementing 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 near the confluence of the Boulder River and the Yellowstone river. The terrain has 0-4% slopes and is located in alluvial deposits likely derived from the Boulder and Yellowstone Rivers. Soils consist of approximately 6-12 inches of gravelly clay loam to sandy clay loam. The mean annual precipitation in this area is 15 to 19 inches.</p> <p><i>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 that would prevent reclamation success.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
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2. WATER QUALITY, QUANTITY AND DISTRIBUTION	<p>The Boulder River lies approximately 700 feet to the west and the Yellowstone River lies approximately 3000 feet to the north. The estimated maximum depth of mining is 20 feet. Mining activities would not encounter groundwater.</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> <p><i>Cumulative:</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 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 vegetation at this site consists of Indian rice grass, various native bunchgrasses, mullein, and large cottonwoods.</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>Although the area is used primarily for mining, it may support populations of deer, grizzly bear, wolves, rodents, raptors, coyotes, foxes, 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 the following 7 species of concern in the vicinity of the site:</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>Peregrine Falcon (<i>Falco peregrinus</i>) can be found year round across the state. They arrive in northern breeding areas late April through early May, and departure begins late August through early September. Nests typically are situated on ledges of vertical cliffs, often with a sheltering overhang. Ideal locations include undisturbed areas with a wide view, near water, and close to plentiful prey.</p> <p>Greater sage-grouse (<i>Centrocercus urophasianus</i>) is the largest of Montana's grouse. In Montana, it ranges primarily in the southwestern and eastern portions</p>

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	<p>of the state. This species does not migrate. Sagebrush is its preferred habitat.</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>Yellowstone cutthroat trout (<i>Oncorhynchus clarki bouvieri</i>) is a subspecies of the cutthroat trout (<i>Oncorhynchus clarki</i>) and is a freshwater fish in the salmon family of order salmoniformes. Their original range was upstream of Shoshone Falls on the Snake River and its tributaries, also across the Continental Divide in Yellowstone Lake and in the Yellowstone River and its tributaries downstream to the Tongue. The cutthroat trout is Montana's state fish.</p> <p>Gray wolf (<i>Canis 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>Greater short-horned lizard (<i>Phrynosoma hernandesi</i>) has a broad and flattened body, short spines crowning the head, a spiny back, and maximum total length of 6 inches. It ranges across much of Montana, mostly east of the Continental Divide. Habitat reports mention individuals on ridge crests between coulees, and in sparse, short grass and sagebrush with sun-baked soil.</p> <p><i>Impacts:</i> None of the listed species have 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>
7. HISTORICAL AND ARCHAEOLOGICAL SITES	<p>The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported no have been discovered previously on this property. SHPO stated that as long as there will be no disturbance or alteration to structures over fifty years of age, there is a low likelihood cultural properties will be impacted. 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	<p><i>Impacts:</i> Negligible impacts to land, water, air, or energy would occur.</p>
IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS	This site is not zoned.

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RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	As seen on the aerial photo of the surrounding area, a subdivision is located directly to the south of the site. The closest residence is approximately 600 feet to the south of the permit area. <i>Impact:</i> This pit is being sited in this area because of the location of the resource, and to service the growing population in this area of the county.
11. AESTHETICS	Mining and wash plant hours will be from 6 am to 5 pm, Monday through Friday. Hauling materials within the pit or from the pit will follow the same schedule unless prior arrangements are made with the operator. The facility area is located 20 feet below ground surface. Potential noise impacts should therefore be mitigated.
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> The acreage listed in the application is currently a mining operation/industrial use area. Upon completion of mining, the land would be reclaimed back to grassland.
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 Opencut Program personnel would be conducted in concert with other area activity when in the vicinity.
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.

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.

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.

To see all the details that are visible on the screen, use the "Print" link next to the map.

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CONNER'S CONCRETE INC
 CONNER PIT
 SE4 SE4 SE4 SEC 12 T1N R14E
 SW4 SW4 SW4 SEC 7 T1N R15E
 NW4 NW4 NW4 SEC 18 T1N R15E
 5/2/2010

- Fuel storage is at wash plant.
- Property Pins
 - X SECTION CORNERS
 - PERMIT/PROPERTY BOUNDARY
 - ⊙ UNDISTURBED UNTIL BOARDED AREA PINS.
 - OS soil test hole locations
 - /// Facility Area (yellow stripes)

UNDISTURBED AREA	PIN COORDINATES
1. N 45.84222	W - 109.916389
2. N 45.843436	W - 109.916083
3. N 45.843471	W - 109.917277
4. N 45.842561	W - 109.917747