

ENVIRONMENTAL ASSESSMENT

SITE NAME: Frye APPLICANT: Carter County Road Dept
 LOCATION: Sec 29 T2N R59E COUNTY: Carter

PROPOSED ACTION: Carter County Road Department proposes to mine and crush 20,000 yards of gravel from a 6-acre permit area. Access is a few hundred yards from Mill Iron and Opechee Park Roads, on an existing 2-track that runs along a grain field. The product would be used on road construction and maintenance jobs.

Reclamation would be completed to grassland and cropland by 2018. No bond is required.

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					EXPLANATION
	A	B	C	L	S	
PHYSICAL ENVIRONMENT						
1. <u>TOPOGRAPHY</u>			X	X		The site is at the end of a ridge with the stockpile area on a small grain field. The ridge would be mined to daylight onto the grain field.
2. <u>GEOLOGY</u> ; Stability			X	X		Alluvial material ranges in size from clays to small cobbles.
3. <u>SOILS</u> ; Quality, Distribution			X		X	The soils are generally loamy with large rock content. They are about 10 inches deep with very little overburden. The operator would salvage all available soils from the disturbed areas for reclamation. Average annual precipitation is between 12 and 15 inches, most of which falls during the growing season. Reclamation to rangeland on the hill and small grains in the facilities area could be accomplished.
4. <u>WATER</u> ; Quality; Quantity; Distribution			X		X	H S Creek is an ephemeral waterway that runs along Opechee Park Road. The access road crosses over an existing culvert. The landowners well is a quarter mile to the west and is 110 feet deep. He estimates groundwater is 12 feet below the ground surface. The hill slope would be mined to the valley floor and would remain well above groundwater. No groundwater would be impacted. Runoff from the disturbance would be kept on site. There would be no impact to water quality or quantity from mining.
5. <u>AIR</u> ; Quality			X		X	The crusher would have a permit from the Air Resources Management Bureau (ARMB). Fugitive dust would be controlled with the use of water trucks. Air quality impacts would be minimal.

						POTENTIAL IMPACTS					
						A	B	C	L	S	EXPLANATION
6. <u>UNIQUE, ENDANGERED, FRAGILE, or LIMITED</u> environmental resources											The site is at the edge of an inferred extent area for Barr's Milkvetch, a species of concern identified by the Montana Natural Heritage Program. Minimal impact to this species might occur if it were located on the previously undisturbed portion of this site.
BIOLOGICAL ENVIRONMENT											
1. <u>VEGETATION</u> ; quantity, quality, species								X		X	Two-thirds of the site is in native range. Mining would have minimal impact because of the short duration of disturbance and the small area to be disturbed.
2. <u>TERRESTRIAL, AVIAN, and AQUATIC</u> ; species and habitats								X		X	There is scattered sign that deer and antelope 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. <u>AGRICULTURE</u> ; grazing, crops Production								X		X	Mining would result in a minimal short term reduction of pasture and small grain production.
HUMAN ENVIRONMENT											
1. <u>SOCIAL</u> ; structures and mores								X		X	
2. <u>CULTURAL</u> uniqueness/diversity								X		X	
3. <u>POPULATION</u> ; quantity/diversity								X		X	This is a rural site. The landowner's home is within a quarter mile.
4. <u>HOUSING</u> ; quantity/distribution								X		X	
5. <u>HUMAN HEALTH & SAFETY</u>								X		X	
6. <u>COMMUNITY & PERSONAL INCOME</u>								X		X	
7. <u>EMPLOYMENT</u> ; quantity, distribution								X		X	This material would be used for county road construction and maintenance.
8. <u>TAX BASE</u> ; state/local tax revenue								X		X	
9. <u>GOVERNMENT SERVICES</u> ; demand								X		X	
10. <u>INDUSTRIAL, COMMERCIAL</u> and <u>AGRICULTURAL</u> activities								X		X	
11. <u>HISTORICAL</u> and <u>ARCHAEOLOGICAL</u>								X		X	A walkover of the area did not reveal any artifacts or signs of occupation. No signs were evident at depth in the previously disturbed area. 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. <u>AESTHETICS</u>								X		X	There are no residences or businesses nearby that would be disturbed by this project.
13. <u>ENVIRONMENTAL PLANS</u> and <u>GOALS</u> ; local and regional								X		X	

	POTENTIAL IMPACTS					EXPLANATION
	A	B	C	L	S	
14. <u>DEMANDS on ENVIRONMENTAL RESOURCES</u> of land, water, air and energy			X		X	
15. <u>TRANSPORTATION</u> ; networks and traffic flows			X		X	

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.

PUBLIC INVOLVEMENT: Landowner, Natural Heritage Program, State Historic Preservation Office

OTHER GROUPS OR AGENCIES CONTACTED OR WHICH MAY HAVE OVERLAPPING JURISDICTION: Air Resources Management Bureau, Mining Safety and Health, Carter County Commissioners, Carter County Weed Board,

ALTERNATIVES CONSIDERED: Denial

RECOMMENDATIONS CONCERNING PREPARATION OF AN EIS: Unnecessary, No Significant Impacts

APPROVED BY: JJ Conner – Opencut Mining Program Unit Coordinator DATE: July 2010

Prepared by Jo Stephen, July 2010

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.

