

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: Ralph Huntley & Son, Inc.

SITE NAME: Huntley State Land

COUNTY: Beaverhead

DATE: October 2010

LOCATION: Section 16, T4 S, R15 W

PROPOSAL: Ralph Huntley & Son, Inc. proposes to mine approximately 15,000 cubic yards of gravel from a 2.6 acre site located approximately 10 miles south of Wisdom, Montana on the east side of Hwy 278. A reclamation bond would be held by DEQ to ensure that final reclamation of the site to grassland would be completed by 2030. 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 situated between the Pioneer Mountains and the Beaverhead Mountains on what appears to be an alluvial terrace. Soil thicknesses range from 8-12" of gravelly loam to silt loam. Previous mining has occurred on approximately 0.8 acres without an opencut permit. The existing pit would be incorporated into the newly permitted mine area. This area receives approximately 12" of precipitation per year.</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>
2. WATER QUALITY, QUANTITY AND DISTRIBUTION	<p>Cow Cabin Creek is located approximately 300 feet to the west, and the Huntley Ditch is approximately 1400 feet to the west. During the site inspection, surface water was located on the southwest side of the proposed permit area (where mining activities had previously occurred). This water is likely due to rainfall accumulation rather than groundwater or overland flow. There are no wells</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
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	<p>located within 1,000 feet of the main permit boundary. The estimated maximum depth of mining is 15 feet from ground surface, and the estimated water table ranges from 30 to 35 feet below the ground surface.</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 consists of sagebrush, yarrow, lupine, aster, foxtail barley, mustard, and cheatgrass. Disturbed areas contain many more weeds than the undisturbed areas. The wet areas contained various sedges and rushes, and some basin wild rye. It is possible that the wet areas at this proposed site may not exist during a dry year.</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 pasture, it also 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 the following four species of concern in the vicinity of the site:</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 of the state. This species does not migrate. Sagebrush is its preferred habitat.</p> <p>Arctic Grayling (<i>Thymallus arcticus</i>) is a species native to northern North America. The fluvial or river-dwelling populations in the upper Big Hole River are the last remnants of this native Fish of Special Concern. Today in Montana Arctic grayling are found primarily in small, cold, clear lakes with tributaries suitable for spawning. They do not coexist well with other fishes except cutthroat trout and others with which they evolved. Although fluvial Arctic grayling inhabit the entire Big Hole River, highest densities occur in the vicinity of Wisdom.</p>

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	<p>Pygmy Rabbit (<i>Brachylagus idahoensis</i>) - The body size of Pygmy Rabbits is smaller than any other North American leporid. Pygmy Rabbits have an entirely gray-brown tail, lacking the white underside of the tail that is present in all cottontail (<i>Sylvilagus</i>) species. Occupied habitats in Montana include shrub-grasslands on alluvial fans, floodplains, plateaus, high mountain valleys, and mountain slopes, where suitable sagebrush cover and soils for burrowing are available. Big sagebrush (<i>Artemisia tridentata</i>) is the primary food source (up to 99% of the winter diet), but grasses and forbs are eaten in mid- to late summer, and can comprise up to 40% of the diet during that season.</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> 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. SHPO reported that a few previously recorded irrigation ditches have been discovered on this property. In addition, SHPO stated that a few cultural resource inventories have been conducted in the area. 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. SHPO does not feel that a recommendation for a cultural resource inventory is warranted at this time.</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.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	<p>As seen on the aerial photo of the surrounding area, there is minimal population density near the proposed site.</p> <p><i>Impact:</i> This pit is being sited in this area because of the location of the resource, and to service the roads and small projects in this area of the county.</p>
11. AESTHETICS	There are no nearby residences. Mining operations at this site will predominantly occur in the fall between the hours of 7 am and 7 pm, Monday through Saturday.

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	Existing employees would mainly be utilized for this operation. There is low potential that this project would create a significant number of new jobs. <i>Impacts:</i> New employment opportunities would be limited.
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	The acreage listed in this proposal would be taken out of pastureland use. Upon completion of mining, the land would be reclaimed to grassland. <i>Impacts:</i> Pastureland production would be reduced as soil stripping and operations progress across the site. While the entire site is opened up for mining and mine-related activities, all pastureland activities would cease.
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, and Montana DNRC.

21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction include, but may not be limited to: Beaverhead County Commission or County Planning Department (zoning), Beaverhead 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

EA Prepared By: Kenley Stone 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.



RECEIVED Ralph Huntley & Son, Inc.-Huntley State Land Pit

SEP 29 2010

S16, T4S, R15W
Site Map (9-22-10)

BOUNDARY

DEQ/IE MB

Legend

- ⊗ Corner Markers (Non Permit Area)
- Mine-level Area
- Test Hole Observation (Highwall at Mine Site)