**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:** Sanders County Road District #2 **COUNTY:** Sanders

**SITE NAME:** Whiskey Trail **DATE:** October 2010

**LOCATION:** Section 24 & 25, T20N, R23W

**PROPOSAL:** The applicant proposes to permit a new short term gravel pit to mine, crush, stockpile and transport approximately 60,000 cubic yards of gravel from a 9.72 acre site located 6.4 miles east of Camas Prairie. The site is currently pastureland located approximately 3,400 feet west of Anderson Road. The site has been previously mined by the landowner. It appears that less than 10,000 cubic yards of gravel has been mined from this site. The landowner's residence and other buildings are located approximately 1,000 feet east of the proposed site. The site would be reclaimed by contouring and grading the slopes to no steeper then 3:1, and re-soiling and re-seeding to pasture grass. Sanders County would be liable to reclaim the site to grassland by December 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.

| IMPACTS ON THE PHYSICAL ENVIRONMENT | |
|---|---|
| **RESOURCE** | **POTENTIAL IMPACTS AND MITIGATION MEASURES** |
| **1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:** | The proposed mine site is located in rolling terrain at the base of a very steep and densely timbered mountain. The onsite deposit consists of glacially deposited gravels. The site slopes to the east and north. Soils consist of approximately 6" to 8" of gravelly loams. The site receives approximately 14.7 inches of precipitation per year.<br>*Impacts:* 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. |

| IMPACTS ON THE PHYSICAL ENVIRONMENT | |
|---|---|
| **RESOURCE** | **POTENTIAL IMPACTS AND MITIGATION MEASURES** |
| **2. WATER QUALITY, QUANTITY AND DISTRIBUTION** | The operation proposes to mine to a depth of 20 feet. The operator does not propose to mine into the groundwater as it is encountered at least 50 feet below grade. There is a spring box near the proposed western permit boundary that supplies water via an underground pipe to a water tank located on the proposed east permit boundary.<br>*Impacts:* The proposed activities would have a minimal effect on the quantity and quality of the surface and groundwater resources.<br>*Cumulative:* Cumulative impacts would be negligible. |
| **3. AIR QUALITY** | 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.<br>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.<br>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.<br>*Impacts:* Air quality standards as set by the federal government and enforced by the ARMB would allow minimal detrimental air impacts. |
| **4. VEGETATION COVER, QUANTITY AND QUALITY** | The site currently contains a variety of pasture grasses (bluebunch wheatgrass, western wheatgrass, etc.) and spotted knapweed. The site was heavily grazed during the inspection and had 70% cover of pasture grasses.<br>*Impacts:* No long term detrimental impacts to the vegetation would occur. |
| **5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:** | Although the area is used primarily for pasture, it also supports populations of deer, elk, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. Population numbers for these species are not known.<br>*Impacts:* 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. |
| **6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:** | The Montana Natural Heritage Program (MNHP) did not find any species of concern within their specified search area.<br>*Impacts:* Impacts should be negligible. |
| **7. HISTORICAL AND ARCHAEOLOGICAL SITES** | The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported that 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. SHPO does not feel that a cultural resource inventory is warranted for this site at this time.<br>*Impacts:* 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. |

| IMPACTS ON THE PHYSICAL ENVIRONMENT | |
|---|---|
| **RESOURCE** | **POTENTIAL IMPACTS AND MITIGATION MEASURES** |
| **8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY** | The project will have little impact on environmental resources.<br>*Impacts:* 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** | County zoning clearance has been obtained for this proposed site. |
| **10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING** | As seen on the aerial photo of the surrounding area, the proposed site would be located in a rural setting. The owner's residence is located approximately 1,000 feet east of the proposed site.<br>*Impact:* This county pit would be sited in this area because of the location of the resource, and to service the needs in this area of the county. |
| **11. AESTHETICS** | The site would be located in a rural and ranch setting. There would be a temporary alteration of aesthetics while mining is underway. However, reclamation would return the area to a visually acceptable landscape. This project is considered to be relatively short-term (i.e. planned to take 5 years). |
| **12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT** | *Impacts:* Existing employees would mainly be utilized for this operation. There is low potential that this project would create a significant number of new jobs. Impacts: New employment opportunities would be limited. |
| **13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION** | *Impacts:* The acreage listed in the proposal would be taken out of agricultural/pastureland use and put into industrial/commercial use. Upon completion of mining, the land would be reclaimed back to pastureland. |
| **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** | *Impacts:* 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.

**21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction include, but may not be limited to:** Sanders County Commission (zoning), Sanders 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:** J.J. Conner — Opencut Mining Program Environmental Specialist
Name — Title

**EA Reviewed By:** Chris Cronin — Opencut Mining Program Supervisor
Name — Title

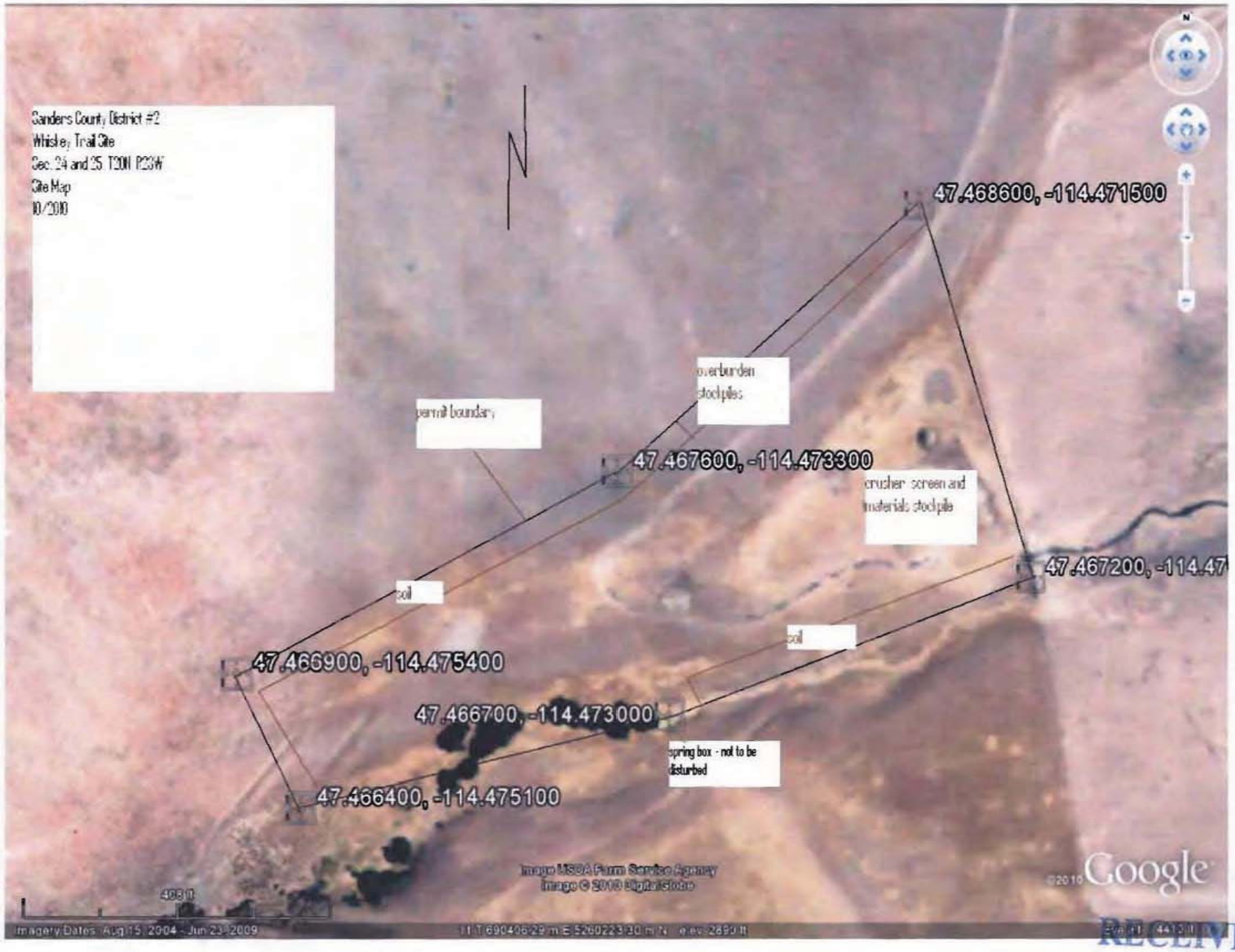
# PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.

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