

## 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:** Riverside Contracting, Inc.

**SITE NAME:** Schwend

**LOCATION:** Section 17 and 18, T7S R23E

**COUNTY:** Carbon

**DATE:** November 2010

**PROPOSAL:** Riverside Contracting proposes to mine and crush 200,000 yards of gravel from a 49.7-acre site over the next year. They would also use a pug mill and an asphalt plant. The material would be used on an MDT Road reconstruction project. A reclamation bond would be held by DEQ to ensure that final reclamation of the site to grassland would be completed by November 2013.

### IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
<b>1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:</b>	<p>The site is near the floodplain of the Clark's Fork of the Yellowstone. Precipitation in the area is about 10 inches annually. The 6 to 12 inches of soil are clay loams. Overburden thickness varies.</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>
<b>2. WATER QUALITY, QUANTITY AND DISTRIBUTION</b>	<p>There are no water features on site. The Clark's Fork of the Yellowstone runs within 100 yards to the west. A cattail-filled slough and supply irrigation are along the west permit boundary. The ditch services only the landowners' property. It will be destroyed during mining but the landowner will reconstruct it using pipe and culvert. Water for dust suppression and the pug mill would be purchased from a local ditch company along Highway 310.</p>

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
	<p><i>Impacts:</i> The proposed activities would not affect the quantity and quality of the surface and groundwater resources. Riverside is buying operational water from a ditch company off site.</p>
<b>3. AIR QUALITY</b>	<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>
<b>4. VEGETATION COVER, QUANTITY AND QUALITY</b>	<p>The site is vegetated with native grasses. Several areas with noxious weeds were observed and were sprayed as required by the county weed man.</p> <p><i>Impacts:</i> No long term detrimental impacts to the vegetation would occur.</p>
<b>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</b>	<p>The area is used primarily for grazing. It supports a few deer, rodents, song birds, coyotes, raptors, insects and various other animal species. Population numbers for these species are not known.</p> <p><i>Impacts:</i> The proposed site 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>
<b>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:</b>	<p>The Montana Natural Heritage Program (MNHP) lists 4 species of concern in the vicinity of the site. Sage grouse are in the vicinity. Gray wolves have been itinerant residents in the valley since reintroduction to Yellowstone Park in 1995. No Greater Short-horned Lizards or Milk Snakes have been seen on site.</p> <p><i>Impacts:</i> None of the listed species has been found on this site. Only very marginal habitat exists on this site for any of the species. The sage grouse, milksnake, and short-horned lizard all like some sage brush. The wolf is very opportunistic but covers large territories. The disturbance area for this permit would be small and large areas of similar or identical habitat surrounds the site.</p>
<b>7. HISTORICAL AND ARCHAEOLOGICAL SITES</b>	<p>The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported 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.</p> <p><i>Impacts:</i> If during operations resources were to be discovered, activities would be temporarily moved to another area or halted until</p>

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
	SHPO was contacted and the importance of the resources was determined.
<b>8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY</b>	<i>Impacts:</i> Negligible impacts to land, water, air, or energy would occur.

<b>IMPACTS ON THE HUMAN POPULATION</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
<b>9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS</b>	The site is not zoned.
<b>10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING</b>	No homes are near this site. <i>Impact:</i> This pit is being sited in this area because of the MDT contract for highway reconstruction.
<b>11. AESTHETICS</b>	No aesthetic mitigation has been requested or proposed.
<b>12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT</b>	<i>Impacts:</i> New employment opportunities would be limited. Employees permanently work for Riverside and its subcontractors. This is a short-term operation.
<b>13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION</b>	Range pasture would be limited on this site until reclamation was reestablished. <i>Impacts:</i> Agricultural production would be reduced on the site for the life of the permit.
<b>14. LOCAL, STATE TAX BASE AND TAX REVENUES, PERSONAL AND COMMUNITY INCOME</b>	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
<b>15. DEMAND FOR GOVERNMENT SERVICES</b>	Inspections by DEQ officials are generally conducted in concert with other area activity.
<b>16. HUMAN HEALTH AND SAFETY</b>	Any industrial activity will increase the opportunities for accidental injury. Other government agencies (e.g. MSHA, OSHA) require specific safety measures. As a result, there is no reason to believe that significant safety issues would be present.
<b>17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES</b>	This activity would not inhibit the use of the identified resources.
<b>18. NATIVE CULTURAL CONCERNS</b>	<i>Impacts:</i> None.

**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.



## 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.