

ENVIRONMENTAL ASSESSMENT

On an Application for an

OPENCUT MINING AMENDMENT

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: River Gravel LLC

COUNTY: Gallatin

SITE NAME: Gardner

DATE: October 2011

LOCATION: Section 35, T1 N, R4 E

PROPOSAL: The applicant proposes to amend a long-term gravel pit to mine, screen, crush, wash, stockpile and transport approximately 2,000,000 cubic yards of gravel from a 40-acre site located approximately one mile west of Belgrade. An asphalt plant and a concrete plant would also be located onsite. This amendment application has been in processing for many years due to the backlog of permit and amendment applications confronting the DEQ Opencut Mining Program, as well as changing zoning requirements in Gallatin County. Currently, Conditional Use Permits (CUP’s) are no longer required to obtain zoning compliance in Gallatin County, and zoning clearance has been obtained for this site. This amendment brings the current disturbance area into compliance with Opencut Mining Act requirements, and also includes areas the Operator anticipates will be needed for future opencut operations.

A reclamation bond would be held by DEQ to ensure that final reclamation of the site to a 10 acre stock water pond and 30 acre pasture area would be completed by October 2021. 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:	The topography of the site consists of flat land with 0 to 2% slopes located just west of Belgrade. The geology of the site is a stream terrace with alluvial deposits. This site is an active mine with a large pond in the northwest corner of the site. The maximum depth of mining is approximately 80 feet below grade. The site is currently being mined with two terraced highwalls, with each being approximately 40 feet high. The onsite soils consist of cobbly loams. The operator would replace 5 inches of

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
	<p>soil and 0 inches of overburden. The site receives approximately 14 inches 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>A large pond has been created from mining activities in the northwest corner of the site. Other surface water includes irrigation ditches located along the east and west sides of the site. There are numerous water wells within 1,000 feet of the site. Water would be used onsite for dust control, wash plant, spray bars, and a pug mill. Water used for opencut operations would be obtained from the existing pond and an existing well onsite. The asphalt and concrete plants have been relocated from the pit floor to the original grade surface, providing a vertical thickness of about 40 feet of earth materials between the batch plants and the seasonal high water table.</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 on water 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. 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>There are no known rare or sensitive plants or cover types present in the site area. Onsite vegetation consists of slender wheatgrass, crested wheatgrass, and various other pasture grasses; and provides approximately 75% to 85% cover in undisturbed areas. The vegetation has been removed where mining activities have taken place, and would be removed from undisturbed areas as soil is stripped. The site would be replanted with plant species compatible with the proposed reclaimed use.</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 and 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>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
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	<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.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:	The Montana Natural Heritage Program (MNHP) lists zero species of concern in the vicinity of the site.
7. HISTORICAL AND ARCHAEOLOGICAL SITES	<p>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 feels there is a low likelihood that cultural properties will be impacted, and therefore do not recommend a cultural resource inventory 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>There are no unusual demands on land, water, air or energy anticipated as a result of this project.</p> <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	City/county zoning clearance has been obtained.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	<p>As seen on the aerial photo of the surrounding area, there are many nearby residences adjacent to and surrounding the site. Hours of Operation would be from 7 am to 7 pm Monday through Friday, and 8 am to 5 pm on Saturdays for maintenance. Dust control would be performed daily.</p> <p><i>Impact:</i> This commercial pit has been in existence for over thirty years. It would continue to provide materials to the growing population in this area.</p>
11. AESTHETICS	<p>The site is an active gravel pit. Undisturbed areas are pastureland. There would be a temporary alteration of aesthetics while mining is under way. However, reclamation would return the area to a visually acceptable landscape. This project is considered to be long-term, i.e., planned to take ten years to complete. Topsoil has been stockpiled along the south and west sides of the permit boundary, and would likely be stockpiled along the east side to provide a sight and sound buffer.</p>
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	<p>Existing employees would mainly be utilized for this operation. There is low potential that this project would create a significant number of new jobs.</p> <p><i>Impacts:</i> New employment opportunities would be limited.</p>

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	Upon completion of mining, the land would be reclaimed to a stock water pond and pastureland. <i>Impacts:</i> Areas that are currently in pastureland production would be reduced as soil stripping and operations progress across the site. When the entire site is opened 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 would 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, City of Belgrade Planning Department, DNRC.

21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction include, but may not be limited to: City of Belgrade/Gallatin County Planning Department (zoning), Gallatin 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.

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.

SITE PLAN

Gardner Pit

Being that Tract shown on the Plat Recorded on Film 23, Page 550-A
 Located in the SW¼ of Sec. 35, T. 1 N., R. 4 E., P.M.M.
 Gallatin County, Montana

Owner: River Gravel, LLC

P.O. Box 1152
 Bozeman, MT 59771

Permit #1624

LEGEND

-  OVERHEAD UTILITY LINES
-  UNDERGROUND TELEPHONE & FIBER OPTIC LINES
-  UNDERGROUND GAS LINE
-  SOIL TEST PIT LOCATION

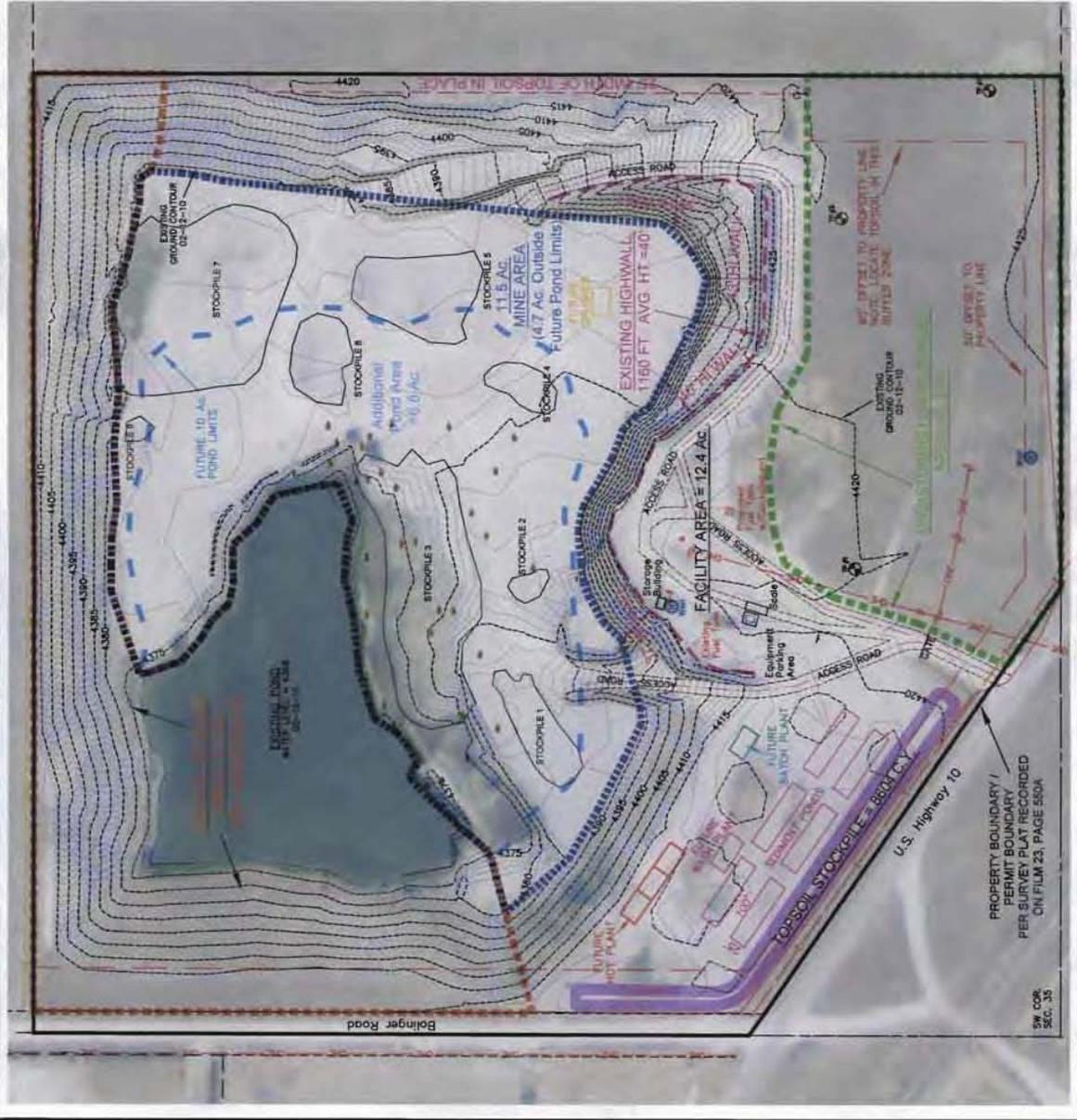


Scale: 1" = 150'
 0 75 150

Notes:

1. Acreages:
 11.5 ac. Existing Permit
 28.5 ac. Amendment
 40.0 ac. Total Permit Area
2. Post-Mine Plan is a 10 ac. pond and 30 ac. pasture.
3. Water from the sediment ponds will be recycled to the wash plant. Loss from evaporation, percolation and moisture in the sand and gravel will be made up by pumping from the pond.
4. This topographic survey is not a property survey. It is intended for an opencut mining application.
5. The aerial photo background is a color aerial image produced in 2009.
6. Parcel lines are taken from Gallatin County GIS database.
7. The contours and material stockpiles shown are as surveyed in February, 2010.

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 SEC. 35