

**ENVIRONMENTAL ASSESSMENT**

On an Application for an

**OPENCUT MINING PERMIT 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:** Venture West, LLC.

**COUNTY:** Missoula

**SITE NAME:** Hunton

**DATE:** March 2012

**LOCATION:** Section 17 and 20, T13N, R19W

**PROPOSAL:** The applicant proposes to amend its permit to change their Plan of Operation, to establish a reclaimed use and add 33 acres to their 26-acre permit for the purpose of expanding the mine and facility areas (see [FIGURE 1 – SITE MAP](#) below). This amendment would not actually open up new areas for mining; rather it would include areas already disturbed into a modern, bonded mining permit with a newly designed Reclamation Plan. The total permitted area would be 56 acres. The amendment would change the final reclamation date to October 2023. A reclamation bond would be held by DEQ to ensure final reclamation of the site to a park with a pond.

The site is located in Missoula between Broadway and Reserve Street, south of the Clark Fork River and is accessed from River Road (see [FIGURE 2 – AREA MAP](#)). The site is a river terrace with groundwater within 10 feet of the surface of the ground. The 33-acre proposed amendment is an addition to the original permit area, but the entire area has been used as a mine site since the early 1970’s. There are concerns regarding the effects of the Clark Fork River at this site since it is partially located within the floodplain and has been flooded many times in the past. However, reclamation designs include stabilizing the pond slopes and providing a backflow culvert for equalization of water levels between the pond and the river during times of flooding to prevent erosion of the west pond bank.

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.

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
<b>1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY</b>	This site is a flat river terrace located within the Clark Fork River Valley, much of which is within the floodplain. The material being mined is glacial outwash that has been reworked by fluvial activities of the Clark Fork River. The onsite

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<b>AND MOISTURE:</b>	<p>soils consist of varying thicknesses of dark silty sandy loam. The operator will replace six inches of soil on dry land and pond slopes. The site receives approximately 18 inches of precipitation per year.</p> <p><i>Impacts:</i> An irreversible and irretrievable removal of topsoil, sand, gravel and clay from the site has and would continue to occur. The 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>This operation is mining into the groundwater and will continue to expand the size and depth of existing ponds. The wash and concrete plants sit on the gravel just above the water table. The Clark Fork River floods into this pond site on a regular basis from the downstream, backwater area under the Reserve Street Bridge. The quality of the water in the pond is compromised by the flooding river when it breaches the west side of the pond, bringing mud, silt, trash and debris with it. But the river and groundwater are not negatively affected by the ponds or facilities at the site. An equalization culvert will be installed in the west side area to allow flood waters to gradually rise in the pond to prevent the catastrophic flood damage caused to the pond slopes in the past by the river overtopping the pond banks on the west side.</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> The proposed action will have little to no impact on water quality, quantity or distribution.</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>There are no known rare or sensitive plants or cover types present in the site area. Onsite vegetation consists of a mix of grasses, willows and river brush and shrubs. Parts of the site were covered by deciduous and conifer trees and understory provided approximately 90% cover. The vegetation would be removed as soil is stripped and 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>

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<b>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</b>	<p>The area is used primarily by wildlife with populations of deer, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species.</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>
<b>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:</b>	<p>The Montana Natural Heritage Program (MNHP) lists the following 11 species of concern in the vicinity of the site: Great Blue Heron, Flammulated Owl, Lewis's Woodpecker, Pileated Woodpecker, Cassin's Finch, Westslope Cutthroat Trout, Bull Trout, Fringed Myotis, Hoary Bat, Western Skink, and A Subterranean Amphipod. Population numbers for these species are not known.</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>
<b>7. HISTORICAL AND ARCHAEOLOGICAL SITES</b>	<p>The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported that no have been discovered previously on this property. A pedestrian survey of the area by DEQ personnel was conducted after the site had already been stripped and 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 SHPO was contacted and the importance of the resources was determined.</p>
<b>8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY</b>	<p>There are no unusual demands on land, water, air or energy anticipated as a result of this amendment.</p> <p><i>Impacts:</i> Negligible impacts to land, water, air, or energy would occur.</p>

<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>	<p>Missoula County zoning clearance has been obtained. This site is zoned as CI2.</p>
<b>10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING</b>	<p>As seen on the aerial photo of the surrounding area, there are residences and commercial businesses surrounding the site. The nearest residences are adjacent to the south.</p> <p><i>Impacts:</i> This commercial pit was sited in this area because of the location of the resource, and to provide materials for businesses needs and projects in the area.</p>
<b>11. AESTHETICS</b>	<p>The site is located in a river floodplain in plain view by the public. There would be no change in aesthetics as a result of this amendment since this operation has been in existence for decades. Reclamation would eventually return the area to a visually acceptable landscape. This project is considered to be long-termed, i.e., planned to take another 10 years to complete. Hours of operation are stated as Monday-Saturday: 7:00 am-7:00 pm. with emergency work that could occur on Sundays.</p>

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<b>12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT</b>	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.
<b>13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION</b>	The acreage listed in the proposal is currently in full commercial use. Upon completion of mining, the land would be reclaimed to a park area with a pond. <i>Impacts:</i> Production of aggregates and associated products would continue as they have for many years with little changes in impacts.
<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>	Limited oversight by DEQ Opencut Program personnel would be conducted in concert with other area activity when in the vicinity.
<b>16. HUMAN HEALTH AND SAFETY</b>	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.
<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 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 Missoula County Planning Office.

**21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction include, but may not be limited to:** Missoula County Commission or County Planning Department (zoning), Missoula County Weed Control Board, MSHA and OSHA (worker safety), DEQ ARMB (air quality) and Water Protection Bureau (groundwater and surface water discharge; stormwater) and DNRC (water rights).

**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.

# FIGURE 1 - SITE MAP



