

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.

COUNTY: Meagher

SITE NAME: Cole

DATE: June 2012

LOCATION: Section 29, T9N, R11E

PROPOSAL: The applicant proposes to permit a new, short-term gravel pit to mine, screen, crush, stockpile and transport 130,000 cubic yards of gravel from a 59.8-acre site located approximately 30 miles east of White Sulphur Springs. Of the 59.8 acres, 10.5 acres would be a separate non-bonded area connected to the bonded area by a short road. The site would also have a portable asphalt plant that would move on and off site as needed. A power line runs through the northeast corner of the proposed bonded area. Adjacent to the southeast corner of the non-bonded area is a drain field and teepee rings, both of which are outside of the permit boundary.

A reclamation bond would be held by DEQ to ensure that final reclamation of the site to pasture/hayland would be completed by November 2017. 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 topography of the site consists of an alluvial bench overlooking the North Fork Musselshell River with 2 to 8 percent slopes. The onsite soils consist of cobbly loams. The operator would replace 12 inches of soil and 18 inches of overburden. The site receives approximately 15 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>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
2. WATER QUALITY, QUANTITY AND DISTRIBUTION	<p>The North Fork Musselshell River is located to the north of the permitted and bonded area. A shallow ditch runs through the middle of the bonded area, and several other ditches and drainages surround the site. There are no known wells within 1,000 feet of the site. Water will be used onsite for dust control and pug milling, and will come from the Upper Musselshell Water User's Association stored water.</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>There are no known rare or sensitive plants or cover types present at the site area. Onsite vegetation consists of grazed pasture grasses including fescues, crested wheatgrass, prairie Junegrass, orchard grass, alfalfa, clover, and other forbs. The site is currently grazed and provides approximately 85 to 95% 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>
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:	<p>Although the area is used primarily for pasture/grazing, 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 two species of concern in the vicinity of the site:</p> <p>Ferruginous hawk (<i>Buteo regalis</i>) is a large bird of prey. Most of Montana is summer range for this raptor. Fall migration begins in August and continues into early September. Young birds will migrate south earlier than, and independent of adults. The habitat of this hawk is described as mixed-grass prairie, shrub-grasslands, grasslands, grass-sagebrush complex, and sagebrush steppe.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
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	<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><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. It reported that a few historic sites have been discovered previously within the designated search locale, which included this property. A pedestrian survey of the area by DEQ personnel did reveal some artifacts or signs of occupation. These included teepee rings located outside of the proposed non-bonded area's southeast corner. SHPO recommends that a cultural resource inventory be conducted at this site in order to record the sites.</p> <p><i>Impacts:</i> If during operations additional 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	County zoning clearance has been obtained. The site is not zoned.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	<p>As seen on the aerial photo of the surrounding area, the landowner's residence is the only nearby residence, and is located approximately 1,000 feet to the east of the permit boundary.</p> <p><i>Impact:</i> This commercial pit is being sited in this area because of the location of the resource, and to provide resources for an MDT project.</p>
11. AESTHETICS	<p>The site is located in a common grazing area. 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 short-term, i.e., planned to take five years to complete.</p> <p>As the landowner is the only nearby resident and is located over 1,000 feet away, there will be no restrictions on hours of operation.</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	The acreage listed in the proposal would be taken out of grazing use. Upon completion of mining, the land would be reclaimed to pasture/hayland. <i>Impacts:</i> Pasture/hayland production would be reduced as soil stripping and operations progress across the site. When the entire site is opened up for mining and mine-related activities, all pasture/hayland 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:

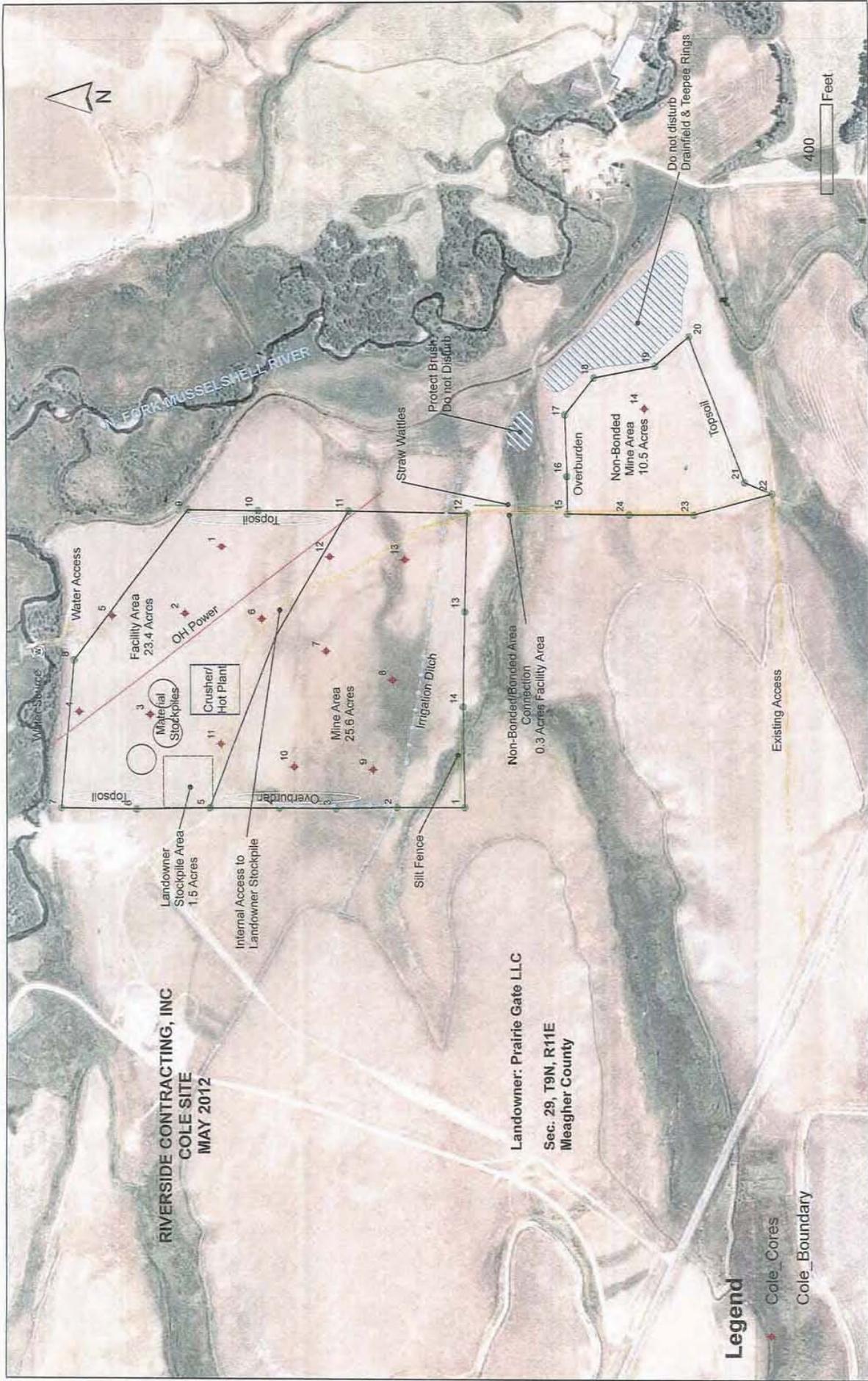
- A. Denial Alternative:** The Department would deny an application that does not comply with the Act and Rules. No impacts to the natural or human environment would occur.
- B. Approval Alternative:** The Department would approve an application that complies with the Act and Rules. Impacts of this application 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, Northwestern Energy, Upper Musselshell Water User's Association, MDT, DNRC.

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



RIVERSIDE CONTRACTING, INC
COLE SITE
MAY 2012

Landowner: Prairie Gate LLC
Sec. 29, T9N, R11E
Meagher County

Legend
 ◆ Cole Cores
 --- Cole Boundary