

## 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:** Nelcon, Inc.

**COUNTY:** Daniels

**SITE NAME:** Humbert-Ferested

**DATE:** August 2012

**LOCATION:** Section 22, T37N, R46E

**PROPOSAL:** The applicant proposes to permit a new, short-termed gravel pit to mine; crush, stockpile and transport 180,000 cubic yards of gravel from a 15-acre site located 10 miles northwest of Scobey, MT (see [FIGURE 1 – AREA MAP](#)). This site is split between two different landowners. There is a small 1/3 acre farm pit on site and the soil was previously salvaged and stockpiled there.

A reclamation bond would be held by DEQ to ensure that final reclamation of the site to rangeland/pasture would be completed by October 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
<b>1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:</b>	<p>The site is a flat-lying bench that rolls off to the south. It is located in the Missouri River Breaks of the Northern Great Plains in a stream valley occupied by the Middle Fork of the Poplar River (see <a href="#">FIGURE 2 – SITE MAP</a>). The deposit is composed of well-rounded glacial rocks and sand. The onsite soils consist of rocky clayey silt loam. The operator will replace 19 inches of soil and no overburden. The site receives approximately 12 to 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>

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
<b>2. WATER QUALITY, QUANTITY AND DISTRIBUTION</b>	<p>The site is 1,500 feet northeast of the Poplar River and an active meander scar that flows water passes within 270 feet of the southwest corner. An irrigation ditch runs parallel to the south border of the site less than 50 feet away. Water for dust control will be taken from the Poplar River.</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>
<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 pasture grasses including Crested and other wheatgrasses, alfalfa and smooth brome and provides approximately 95% cover in good spots and 60% cover in more bare areas.</p> <p>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>
<b>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</b>	<p>Although the area is used primarily for pasture, it also supports populations of deer, antelope, 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>
<b>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:</b>	<p>The Montana Natural Heritage Program (MNHP) does not list and species of concern in the vicinity of the site:</p> <p><i>Impacts:</i> None.</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 sites have been discovered previously on this property. It recommends that a cultural resource inventory be conducted at this site in order to determine whether or not sites exist and if they would be impacted. However, 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>

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
	<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.
<b>8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY</b>	There are no unusual demands on land, water, air or energy anticipated as a result of this project. <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>	Daniels County zoning clearance has been obtained.
<b>10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING</b>	As seen on the aerial photo of the surrounding area, there are no nearby residences. <i>Impact:</i> This commercial pit is being sited in this area because of the location of the resource, and to provide resources for a nearby road project.
<b>11. AESTHETICS</b>	The site is located in a common agricultural/pasture 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-termed, i.e., planned to take less than 5 years to complete.
<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 would be taken out of agricultural/pastureland/grassland use. Upon completion of mining, the land would be reclaimed to agricultural/pastureland/grassland use. <i>Impacts:</i> Agricultural/pastureland/grassland 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 agricultural/pastureland/grassland activities would cease, but would be restored as the site is reclaimed.
<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.



## PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

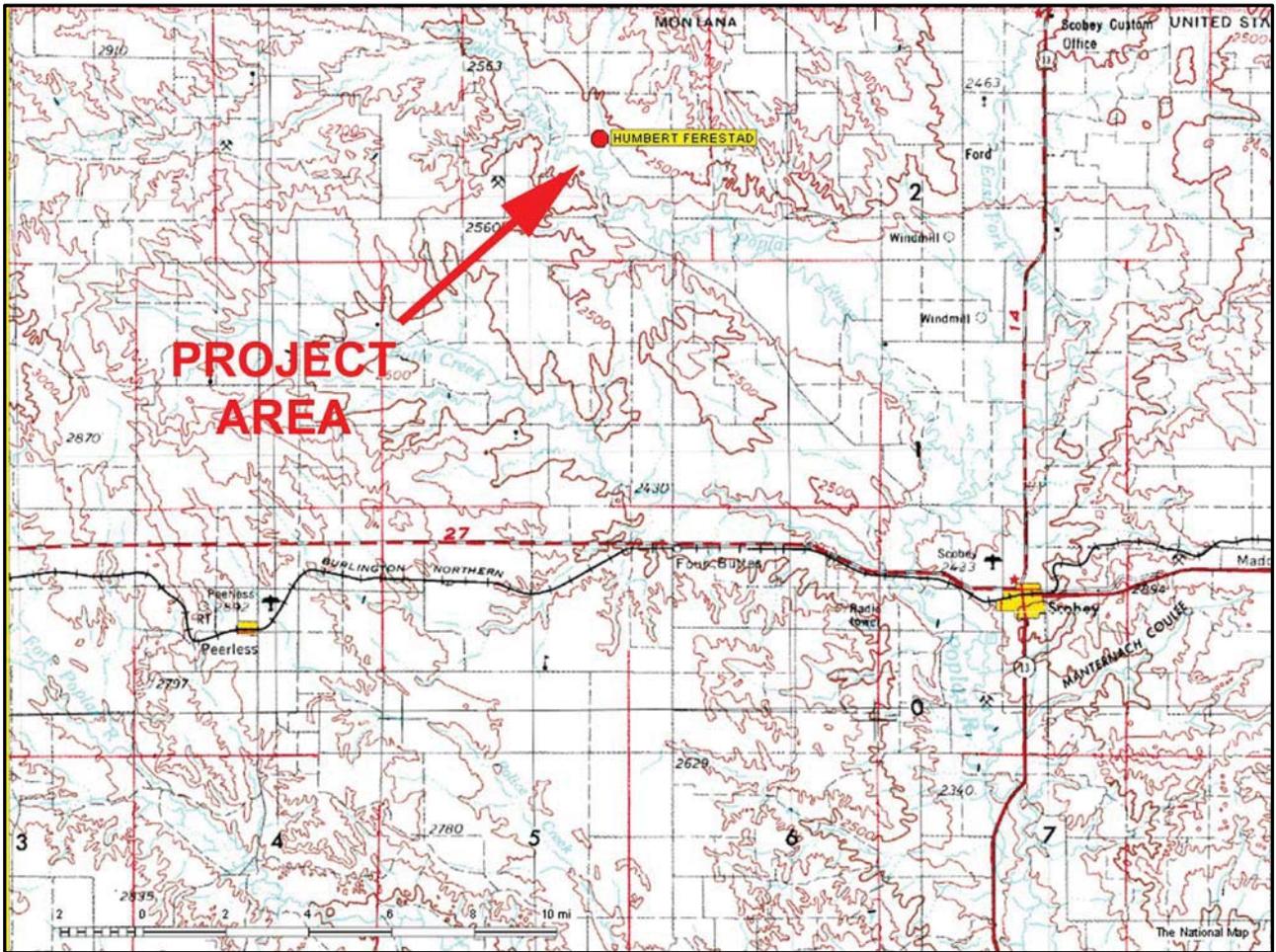
DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PPAA?

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 – AREA MAP  
([Go Back](#))



**FIGURE 2 – SITE MAP**  
[\(Go Back\)](#)

