

CHECKLIST ENVIRONMENTAL ASSESSMENT
FINAL

Project Name: Lindsey Lane site Proposed Implementation Date: 5/15/95
 Proponent: Schellinger Construction Co. Inc.
 Type and Purpose of Action: The applicant proposes to mine, crush, stockpile and transport 750,000 cubic yards of sand and gravel from a 30 acre pit located 3½ miles southeast of the town of Creston. The estimated start-up date is May 15, 1995 and will result in a pit no deeper than 25 feet. The pit will be reclaimed to grazing land after grading the slopes to at least a 3:1, replacing all topsoil and re-seeding.
 Location: NW¼ NE¼ Sec. 26, T28N, R20W County: Flathead

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactible or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations?</p>	<p>[Y] The proposed mine is located on a rolling glacial outwash terrace left by the last retreating glacier around 10,000 years ago. The deposit consists of stratified layers of alluvium and glacial outwash sand, gravel and cobbles that cover the deeper Tertiary valley fill. The billion year old Precambrian rock of the Belt Series sandstone, mudstone and limestone rocks surround the deposit in towering walls sculpted by alpine glaciers that form an intermountain, fault block basin known as the Rocky Mountain Trench. The Whitefish Range to the north, the Flathead and Swan Ranges to the southeast and the less dramatic Salish Range to the west surround this flat-lying valley that is generally pock-marked with sink holes created when large blocks of glacial ice were buried in the outwash and later melted.</p> <p>Up to twelve inches of fairly well drained, sandy clay loam topsoil and up to six inches of sandy overburden overlies the glacial sands and gravels, and local terrace slopes demonstrate reasonably good stability. All soil material will be salvaged and stockpiled away from the affected land. Following mining, grading and ripping, the soils will be replaced, disced and seeded to stabilize the soil and prevent erosion. Microbes will re-colonize the soil.</p>
<p>2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, or drinking water maximum contaminant levels, or degradation of water quality?</p>	<p>[N] There is no surface water in the permit area, but glacial potholes that go wet and dry every year dot the general area. Water quality in the area is very high with good porosity and permeability in the sands and gravels that provide excellent transmissivity. There are 12 domestic water wells in the immediate vicinity of the site that were drilled 100 to 200 feet in depth. The average static water level is 50 feet and yield 40 to 50 gallons per minute. The site will be mined to a depth of 25 feet which is above the anticipated depth of the water table, estimated to be 50 feet below the surface as seen in the Josephine Gregg well.</p> <p>All fuel, lubricants and chemicals will be kept out of the permit area, and any accidental spills or major leaks from equipment operating in the pit will immediately be excavated and removed from the site. Therefore, the quality and quantity of the groundwater should not be impacted.</p>

<p>3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?</p>	<p>[Y] Air quality will be degraded and there will be an increase in particulate matter. Crushers, screens and trucking equipment typically cause dusty conditions in disturbed soil sites. Air quality will be monitored and protected as necessary. An air Quality Permit will be obtained from the State Health Department. This permit requires, as a minimum, that spray bars be utilized when opacity exceeds 15% which usually occurs when dust is visually perceptible. Compliance would be monitored through routine inspections and/or response to public requests. This is likely to be adequate to prevent significant amounts of particulate matter from blowing off site. Water bars, road watering and other dust controls will be used as necessary.</p> <p>Cumulative Impacts - The potential exists for two crushers to be operating simultaneously within close proximity which could double the amount of airborne particulates. However, each crusher would be required to secure an Air Quality permit, abide by applicable regulations and still comply with air quality standards which are health-based in development. Increased truck traffic within the contract area, Lindsey Lane, and within the permit area, together with associated stockpiling and loading of aggregate will also add to airborne particulates. The air quality permits will require the use of spray bars on crushers and transfer points, and watering of facility, stockpile areas, and haul roads as necessary. If Lindsey Lane is used, Flathead County would assume authority for watering or placement of dust suppressants.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?</p>	<p>[Y] Ground vegetation consists of native and non-native grasses with orchardgrass and smooth brome the dominant species in pasture areas, and pinegrass, kinnikinnick, oregon grape the dominant species within forested areas. Vegetation covers 100% of the ground and will be removed and planted again following mining. Doug fir and western larch trees are abundant as are numerous brush and forb species. There is no record of threatened or endangered plants or animals, although the area is used by deer, elk, birds and small mammals. While all plant species will be destroyed during mining, they will be re-placed following mining, and many native species will re-invade the site voluntarily by seed contained in the stripped topsoil and by transportation to the site by wind, water and animals.</p>
<p>5. TERRESTRIAL AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>[Y] The area is used primarily for grazing and residential sites, but it also supports populations of deer, elk, game and non-game birds, coyotes, foxes, rodents, raptors, insects and various other animal species. The mine site is frequented by those animals and they will be displaced as the mine expands. Human use of the area has intensified in the past two decades with the increase in residential and commercial activity. The proposed mine is not expected to significantly degrade wildlife populations.</p>

6. **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:** Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?

(D) Wildlife biologists from the Department of State Lands and Department of Fish, Wildlife and Parks have been consulted regarding possible conflicts with use by Threatened and Endangered species such as grizzly bears, bald eagles and gray wolves. There are not expected to be any impacts on those species from the proposed mining operation. The Natural Heritage Program literature search and site evaluations have not revealed any other endangered or threatened plant or animal species.

This area of the Flathead Valley is utilized by a variety of wildlife species. White-tailed deer and elk use the timbered habitats on a year-long basis. The open ridge tops interspersed in the mixed conifer forest provide good habitat for wild turkeys. Ruffed grouse also use the timbered habitats on a yearlong basis. A variety of landbirds and small mammals use the area on a seasonal or yearlong basis. Grizzly bears have historically used portions of the east side of the Flathead Valley for spring foraging. The proposed development is located within this larger grizzly bear spring use area. Bald eagles nest along the Flathead River and upper Flathead Lake. In addition, there is a population of wintering Bald Eagles in the Flathead Valley. A variety of other raptors use the Flathead Valley on a seasonal or yearlong basis.

The proposed development is located in an area that is being subdivided and developed for homesites. These homesites are on land parcels of varying sizes (approximately 3 to 10 acres). Because of the homesites and the network of access roads, this area has already experienced a large amount of disturbance, habitat loss and disturbance of the wildlife community which uses the area. Wildlife use of the area has been diminished due to the presence of the subdivision activities.

Potential Impacts:

White-tailed deer. Increased human activity and loss of habitat will adversely impact white-tailed deer. However, the importance of this tract as white-tailed deer winter range has already been compromised. The mature conifer over-story, which serves as a snow intercept and maintains the availability of the understory vegetation during periods of heavy snow fall, has been removed through previous logging efforts. The second growth now present on the site does not provide adequate snow intercept, especially during periods of heavy snow fall. The general southwest aspect of the area is conducive to solar intercept which promotes snow melt. Understory vegetation is available for the majority of the year. Forage availability is diminished during periods of heavy snowfall as there is an open overstory canopy providing marginal snow intercept.

White-tailed deer habitat for the spring to fall period and during periods of mild winter weather is present on the site and will be affected by the mine. Since the area has been previously logged and it is located within a larger area which has been extensively subdivided, the area is probably not optimal white-tailed deer habitat.

Elk: Elk use of the area would be determined by the same factors as white-tailed deer. The openness of the habitat may be more conducive to use by elk vs. use by white-tailed deer. The extensive subdivision of the area, habitat loss, human disturbance, domestic dogs and cats, etc. has probably affected the habitat effectiveness for elk more so than white-tailed deer.

Grizzly Bear: The area has been a portion of the historic spring use area for grizzly bears. A check of the radio relocations generated during the ongoing South Fork grizzly bear project show no observed use of this tract or any adjacent areas (nearest radio relocation observation was 2 to 3 kilometers distance). However, there is potential that bears could use the site, primarily as a travel corridor. Again, the amount of subdivision occurring in the area has already reduced the effectiveness of the area as grizzly bear habitat. The development of the site as a gravel mine may limit the use of the area as a travel corridor; however, other timbered habitats within the area will provide movement corridors as long as they are not extensively developed - e.g. subdivision, etc.

Bald Eagles: The site may be visited by wintering bald eagles searching for carrion. The site is not conducive to nesting by bald eagles. efor

6. **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:** Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?

Wildlife continued.

Landbirds: A variety of species will be affected by the removal of the remaining conifers and deciduous shrubs. These birds will be displaced from the site and/or lost. The conversion of the site from a mixed conifer habitat to a sand and gravel operation to a grass pasture means this is a long-term impact. Landbird species which prefer the grassland habitat will be benefitted; however, there are fewer of these species than the number of species which use the mixed conifer habitat.

Alternative #1:

Leave timbered buffers: A timbered buffer could be left around the majority of the tract periphery while mining progresses. A timbered buffer could also be left between the two pit locations. These buffers would provide marginal habitat for landbirds which utilize conifers. They would also provide marginal cover for the white-tailed deer which use the area. They would suppress some of the noise which is generated by the processing plant. Additionally, they would act as a visual barrier, at least partially obscuring the mine and processing plant.

Leave the mature trees and snags in the buffer zones: At least one large larch tree is present in the southeast corner of the site. As a live tree, it provides nesting sites for selected landbirds. In the future, as it dies and becomes a snag it becomes even more valuable to the birds inhabiting the area. There are also at least two snags in the buffer area between the two pits. These snags have been heavily used by woodpeckers and other birds. The presence of these snags will provide foraging and nesting sites for a variety of birds.

Development of wetlands on the site: Depending on the depth of the water table within the area, there may be a potential to develop one or more wetlands as the area is mined and reclaimed.

Long-term wildlife habitat area: The residents of the area and the landowner/developer of the gravel mine may want to negotiate an agreement - e.g. conservation easement, habitat management agreement, etc. - by which this tract of land would be managed as a wildlife area after the gravel mine operation is completed and reclamation accomplished.

<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>[N] There are important cultural values in the general area although this site has been previously disturbed by modern man, thereby destroying much of the integrity of resources that may have existed. A Cultural and Historical survey was done and has recorded several primitive tools. Two isolated historical finds were identified and recorded, but neither of these were recommended as eligible for listing in the National Register of Historic Places. The survey included contact with the Flathead and Kootenai Culture Committees. The operator will give appropriate protection to any values or artifacts discovered in the affected area. If significant resources are found, the operation will be routed around the site of discovery for a reasonable time until salvage can be conducted. The State Historical Preservation Office will be promptly notified.</p>
<p>8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?</p>	<p>[Y] There will be a temporary deterioration of aesthetics while the operation is under way. The site is visible by homes in the local area and to traffic along Lindsey Lane, but visibility will not be increased to traffic along Hwy 35 substantially more than the existing gravel operation. However, reclamation will return the area to a visually acceptable landscape.</p> <p>Cumulative impacts - An additional mining operation that increases affected lands by 7 times, will cause a reduction in positive visual values by removing from the viewshed, meadows and scattered woodlands and replacing those with an industrial landscape. The natural landscape is not currently without man-made visual obstructions, however, due to the number of homes, driveways and roads on various skylines and other lines of site.</p> <p>Noise - The potential exists to more than double the noise level in the local area with the possibility of two crushers operating simultaneously with attendant equipment noise and back-up horns.</p> <p>Alternative #1: The use of vegetated topsoil berms and preservation of trees where possible to reduce line of site visual negative impacts and sound deflection and absorption will subdue those impacts. Also, limiting hours of crushing and screening to those hours during which residents would normally be awake may cause the operation to be less offensive and more likely to reduce impact on taxable value of property. In addition, concurrent reclamation of this operation when significant portions are mined out will limit the duration of added visual impact.</p>
<p>9. DEMAND ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?</p>	<p>[N]</p>

<p>10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other studies, plans or projects on this tract?</p>	<p>[N]</p>
<p>IMPACTS ON THE HUMAN POPULATION</p>	
<p>RESOURCE</p>	<p>[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES</p>
<p>11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p>[Y] Heavy equipment including trucks, loaders, crushers and wash plants will create additional traffic hazards, but the operator must comply with all MSHA and OSHA regulations. The operator will employ proper precautions to avoid accidents, especially during typical operating hours for school busses.</p> <p>Noise will increase from present levels when equipment is active. Noise levels are generally within the range of 60 to 90 decibels measured on-site, decreasing with distance. As a comparison, sound levels for ordinary activities such as close conversation at 60 decibels and music from a radio at 70 decibels are considered to be moderate. Levels above 90 decibels are severe, and prolonged exposure can lead to hearing loss.</p> <p>Cumulative Impacts - The potential for short term use of 200-300 round trips for large, gravel hauling trucks on Lindsey Lane will add significantly to potential safety hazards for others using the road. The number of trucks would increase significantly in response to a specific project, but such projects would normally be short-termed.</p> <p>Alternative #1 Accessing State highway 35 directly through the McKinley operation will reduce the likelihood of traffic and traffic-pedestrian accidents.</p>
<p>12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?</p>	<p>[Y] The acreage listed in the Type and purpose of Action will be taken out of agricultural/wildlife habitat and put into industrial/commercial use. Upon completion of mining, the land will be returned to its previous use.</p>
<p>13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.</p>	<p>[N]</p>

<p>14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project creator eliminate tax revenue?</p>	<p>[Y] Cumulative Impact - The introduction of a large sand and gravel mining operation next to a much smaller one into a largely agricultural, rural/residential area has the possibility of reducing the attractiveness of potential home buyers seeking that type of living environment. This reduction could affect the marketability of existing homes, and therefore cause a reduction in sale price of homes and property in the area. This reduction in property values could lead to a loss in real estate taxes to Flathead County upon successful appeal by the owners to the County and the State.</p> <p>Beneficial effects on tax base of having a gravel pit at this location include availability of lower cost aggregates to the local residents for driveways, septic systems and fill material; reduced project bid cost for highway construction along highway 35; improvement of the surface, grade and design of Lindsey Lane adjacent to the project.</p> <p>Alternative #1 Concurrent reclamation, strategic placement of vegetated topsoil berms and natural tree barriers will reduce the visual and noise impacts. These actions, together with reduced operating hours and a single crusher operating at one time, should soften the impacts to an acceptable level for nearby residents and potential home buyers.</p>
<p>15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?</p>	<p>[Y] The operation will require periodic site evaluations by DSL staff until such time as the site is successfully reclaimed to the required post-mining use. However, these evaluations are usually performed in conjunction with other area operations.</p>
<p>16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>[Y] City/County zoning clearance has been obtained. Mining at this site will be concentrated in short, infrequent episodes responding to major projects such as paving and widening Hwy 35. Overall or long term impacts on tourists along Hwy 35 are not considered to be significant. Short term impacts on local residents may be significant.</p>
<p>17. ACCESS TO AND QUALITY OF RECREATION AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?</p>	<p>[N]</p>
<p>18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?</p>	<p>[N]</p>
<p>19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>[N]</p>
<p>20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>[N]</p>
<p>21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p>[N]</p>

22. Alternatives Considered:

Alternative #1: Proposed plan with mitigations. The pit would be permitted as proposed with changes to mitigate impacts identified in the preceding parts as follow:

Part 6. (Wildlife) Use of timbered buffers during portions of mining, leaving larch trees and snags as nesting sites, considering development of wetlands if water is encountered, and considering granting a conservation or habitat management easement on the land when it is considered.

Part 8. (Aesthetics) Use of vegetative berms, leaving trees during some phases of mining, reduced hours of operation, operating only one crusher at a time, and reclamation of finished areas in a timely manner as mining progresses.

Part 11. (Health and Safety) Access Highway 35 directly from Creston Sand & Gravel to avoid Lindsey Lane.

Part 14. (Tax base) Implementing items in Part 8 above to soften the loss of property taxes due to the depressing effect on nearby property values of having a gravel pit located in an otherwise rural/residential area.

Alternative #2: Proposed action without mitigation. The pit would be permitted as submitted by the applicant without restrictions.

Alternative #3: No Action. The pit would not be permitted and impacts would not occur at this location. Aggregate would be hauled from a greater distance increasing fuel use, gaseous emissions and project costs.

23. Public Involvement, Agencies, Groups or Individuals contacted:

State Historic Preservation Office, Montana Heritage Program, U.S. Fish and Wildlife Service, Montana Fish, Wildlife and Parks, Kootenai and Flathead Culture Committees, personal mailing to all participants to the previous Creston Sand & Gravel public meeting. A public meeting will be held on April 19 at 7:00pm in Creston.

24. Other Governmental Agencies with Jurisdiction, List of Permits Needed:

Montana Department of Health and Environmental Science, Air Quality Bureau for Air Quality Permit; Mine Safety and Health Administration for safety permit; Montana Department of Labor & Industry, Bureau of Safety for safety permit; Department of Fish, Wildlife and Parks, and Chris Yde, DSL Wildlife Biologist.

25. Magnitude and Significance of Potential Impacts:

Not Applicable. A finding of significance is relevant only to the requirement to prepare an EIS under MEPA. However, the statutory time constraints of the Opencut Mining Act preclude preparation of an EIS. Therefore, no such finding is necessary here.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

EA Checklist Prepared By: Rod Samdahl Reclamation Specialist
Name Title

Approved By: STEVE WELCH CHIEF, OPENCUT MINING BUREAU
Name Title

Steve Welch 5/7/95
Signature Date

Opencut

Revised, 2/25/92

RESPONSES TO WRITTEN PUBLIC COMMENTS
(paraphrased and combined where possible)
SCHELLINGER LINDSEY LANE SITE

1. **COMMENT:** The cumulative effects of having two sand and gravel operations so close together would be unacceptable to local homeowners.

RESPONSE: Schellinger has agreed to limit operations to only one crusher at a time, will utilize Creston Sand & Gravel's existing operation and enter Highway 35 directly during the Highway 35 paving project, will limit hours of operation to 7:00am to 8:00pm, Monday through Friday, will haul only (no crushing) on Saturday and will not operate at all on Sunday.

2. **COMMENT:** Lindsey Lane has blind curves and steep sections that cause traffic hazards, especially during winter months.

RESPONSE: Mining will remove many of the sharp curves and steep hills along the north side of the permit. Lindsey Lane will be re-located to the extreme north boundary of the 40 acre parcel, straightened and grade will be reduced.

3. **COMMENT:** Residents with respiratory problems and others are concerned that dust and emissions will cause unhealthy conditions.

RESPONSE: The county has the authority to require dust controls on Lindsey Lane. The Montana Department of Highways enforces dust controls on the highway project during its operation, and the Air Quality Bureau enforces dust controls on the crusher during crusher operation. The crusher would be required to secure an Air Quality permit, abide by applicable regulations and comply with air quality standards which are health-based in development.

4. **COMMENT:** Public notice was short, failed to reach everyone and inadequate time was given for comments.

RESPONSE: The department sent personal letters on March 14 to all individuals or families who voiced concern or attended the meeting two years ago, scoping for concerns and asking for comments by March 22. Then, after finding there to be substantial concern, extended the permit review period another 30 days with the applicant and announced a new public meeting. Another mailing was made notifying all respondents of the upcoming public meeting and a legal advertisement was placed in the Daily Inter Lake on April 14 and 16. A public meeting was held on April 19, 1995.

5. **COMMENT:** Noise from the equipment is disrupting to nearby residents. Continuous, loud noise is a health problem for local residents.

RESPONSE: The department is not able to enforce any limits on noise since there are no statutes in place in Montana that address noise off-site. If noise levels exceed nationally accepted danger levels, the department would request the operator to reduce noise

to acceptable levels. The department has noise measuring equipment and would respond to complaints.

6. **COMMENT:** Property values and tax base will be adversely affected in the area. Property taxes are increasing every year, but sales values are dropping due to the ongoing mining. Taxpayers are thereby being squeezed by this operation.

RESPONSE: The opening of another, larger gravel mining operation next to a smaller one in this rural/residential area has the possibility of reducing the attractiveness of homesites to potential home buyers seeking that type of living environment. This operation could also affect the marketability of existing homes, and therefore cause a reduction in sale price of homes and property in the area. This reduction in property values could lead to a loss in real estate taxes to Flathead County upon successful appeal by the owners to the County and the State.

Beneficial effects on tax base of having a gravel pit at this location include availability of lower cost aggregates to the local residents for driveways, septic systems and fill material; reduced project bid cost for highway construction along highway 35; improvement of the surface, grade and design of Lindsey Lane adjacent to the project.

It is thought that concurrent reclamation, strategic placement of vegetated topsoil berms and natural tree barriers will somewhat reduce the visual and noise impacts. These actions, together with reduced operating hours and a single crusher operating at one time, should soften the impacts for nearby residents and potential home buyers.

7. **COMMENT:** The effects on wildlife, especially wintering elk, year-round white-tailed deer and wild turkeys have not been addressed.

RESPONSE: This area of the Flathead Valley is utilized by a variety of wildlife species. White-tailed deer and elk use the timbered habitats on a yearlong basis. The open ridge tops interspersed in the mixed conifer forest provide good habitat for wild turkeys. Ruffed grouse also use the timbered habitats on a yearlong basis. A variety of landbirds and small mammals use the area on a seasonal or yearlong basis. These animals will be displaced temporarily during mining, but will return following reclamation.

The proposed development is located in an area that is being subdivided and developed for homesites. These homesites are on land parcels of varying sizes (approximately 3 to 10 acres). Because of the homesites and the network of access roads, this area has already experienced a large amount of disturbance, habitat loss and disturbance of the wildlife community which uses the area. Wildlife use of the area has been diminished due to the presence of the subdivision activities. There are not expected to be any long-termed impacts on those species from the proposed mining operation.

8. **COMMENT:** The effects on threatened and endangered species such as grizzly bears, bald eagles, gray wolves, peregrine falcons must be addressed.

RESPONSE: Wildlife biologists from the Department of State Lands and Department of Fish, Wildlife and Parks have been consulted regarding possible conflicts with use by Threatened and Endangered species such as grizzly bears, bald eagles and gray wolves. There are not expected to be any impacts on those species from the proposed mining operation. The Natural Heritage Program literature search and site evaluations have not revealed any other endangered or threatened plant or animal species.

9. **COMMENT:** Consideration must be given for cultural and historic values.

RESPONSE: A Cultural and Historical survey was done and has recorded several primitive tools. Two isolated historical finds were identified and recorded, but neither of these were recommended as eligible for listing in the National Register of Historic Places. The survey included contact with the Flathead and Kootenai Culture Committees. The operator will give appropriate protection to any values or artifacts discovered in the affected area.

10. **COMMENT:** Quality of life is negatively affected already by the Creston Sand & Gravel operation. This increase will only make things worse.

RESPONSE: This area is not currently zoned as residential. Restrictions placed on the permit such as hours of operation, visual screening, limitations on crushers and reclamation in areas no longer needed for mining will soften somewhat the impact of this operation.

11. **COMMENT:** The topsoil may not be put back on adequately for grasses to grow and to control weeds. The operator could go broke and leave a mess.

RESPONSE: There is a performance bond in place that would allow the department to reclaim the land if the operator is unable to do so. The department is required by law to see that the work is done as specified in the Plan of Operations.

12. **COMMENT:** Visual impacts will be unacceptable in this otherwise rural/residential area.

RESPONSE: While some impacts cannot be avoided, restrictions placed on the permit will keep the disturbance to a minimum. The operator will mine the north part first leaving trees as a visual buffer for as much of the operation as possible, will place seeded topsoil berms along the perimeters for visual screens and will reclaim portions no longer needed for mining.

13. **COMMENT:** Dust from the road has been bad in the last two years and complaints to the Air Quality Bureau in Helena have been ineffective in controlling it.

RESPONSE: The operator must comply with the state Air Quality standards. Failure to do so may constitute breach of this permit as well as the Air Quality permit. Failure to comply with other required permits could result in withdrawal of this permit and subsequent penalties. The department will respond to complaints about excessive dust.

14. **COMMENT:** The school bus turn-around on Highway 35 near the proposed access will be hazardous to children with additional truck traffic.

RESPONSE: During the conduct of operations on the highway re-construction, the operator will follow all safety procedures required under its construction contract with the Montana Department of Transportation. This will include signs, speed reduction, flagging and traffic control. Special consideration will be given during school bus loading and unloading.

15. **COMMENT:** Lindsey Lane is poorly maintained and cannot handle heavy commercial traffic such as gravel trucks.

RESPONSE: The Flathead County Road Department is currently designing reconstruction of the Lindsey Lane approach to Highway 35. Much of the problem with the rough, rutted and rocky surface will be alleviated at that time. Maintenance should be reduced with the new design.

16. **COMMENT:** Residential use of the area preceded the gravel pit and obvious changes in land use should dictate that this not the proper location for a gravel pit.

RESPONSE: This is a land use issue and should be addressed through zoning and not this permit process.

17. **COMMENT:** Concerns voiced at the Creston Sand & Gravel meeting two years ago were noted and dismissed, many of which have come to pass. Expectations are that the same will happen again.

RESPONSE: Many of the impacts referred to are typical of sand and gravel operations. It is not within this department's authority to eliminate the operation nor to restrict it in such a way so as to make it impossible for the operator to exercise its right to mine. Complaints that were received by this department were handled immediately.

18. **COMMENT:** There are already many gravel pits in the area so another one at this location is unnecessary.

RESPONSE: This is also a land use issue properly addressed by zoning. Also, it is not within this department's authority to limit the number of mines or permits in an area.