

## ENVIRONMENTAL ASSESSMENT

An environmental assessment (EA) is required under the Montana Environmental Policy Act (MEPA). An EA functions to identify, disclose and analyze the impacts of an action, in this case operating a gravel pit over which the state must make a decision, so that an informed decision can be made. MEPA sets no environmental standards even though it requires analysis of both the natural and human environment. This document may disclose many impacts that have no legislatively required standards or over which there is no regulatory authority. The state legislature has provided no authority in MEPA to allow the Department of Environmental Quality (DEQ), or any other state agency, to require conditions or impose mitigations on a proposed permitting action that are not included in the permitting authority and operating standards in the governing state law, such as the Opencut Mining Act, the Clean Air Act of Montana, or any other applicable state environmental regulatory law. Beyond that, a company may agree to voluntarily modify its proposed activities or accept permit conditions.

The state law that regulates gravel-mining operations in Montana is the Opencut Mining Act. This law and its approved rules place operational guidance and limitations on a gravel-mining project during its life, and provides for the reclamation of permitted land area. This law requires that a surety bond, cash deposit or other financial instrument be submitted to the state to cover the complete costs of reclaiming the site to its approved, post-mining land use.

The permit decision cannot be based upon the popularity of the project, but upon whether or not the proponent has met the requirements of the Opencut Mining Act, pursuant rules, and other laws pertaining to its proposed actions.

**PROPONENT:** R & D Partners, LLC

**SITE NAME:** Dahl Site

**LOCATION:** Section 2, T9N, R3W

**COUNTY:** Jefferson

**TYPE AND PURPOSE OF ACTION:** Proponent submitted an application to the Opencut Mining Program for a 4.25-acre permit to mine about 50,000 cubic yards of borrow material approximately 2 miles south of East Helena, Montana near Highway 282. Material would be used to build the new interchange between I-15 and HW 282. Weather permitting, excavation of material and reclamation grading would be complete before summer of 2007. Approximately 8,000 cubic yards have already been removed. The excavation began within the road cut of Dahl Drive and would progress south. Dahl Drive is only rough graded and will provide access to a future subdivision. Material would not be screened, crushed, or otherwise processed. Reclamation of the permit area would be complete in 2007. All application materials required under the Opencut Mining Act and the rules adopted thereunder have been submitted. The proponent commits to properly conducting opencut operations and reclaiming past and present disturbances to a postmining land use of grazing. The proponent will be legally bound by its permit to reclaim the site as well as site conditions and available resources allow.

A = significant unavoidable impacts. B = insignificant as a result of conditioned mitigation. C = insignificant as proposed.

	<b>POTENTIAL IMPACTS AND MITIGATIVE MEASURES</b>					
	A	B	C	LONG TERM	SHORT TERM	EXPLANATION
<b>PHYSICAL ENVIRONMENT</b>						
1. <u>TOPOGRAPHY</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Removal of borrow material would alter the topography. No closed end depression would be left in the landscape but rather a two or three sided excavation resembling a valley in the side of a hill. All surfaces would be graded to 3:1 (h:v) or flatter.
2. <u>GEOLOGY</u> : stability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The topography in the area consists of rolling terrain. Potential impacts due to the removal of mine material have been reviewed. The Department has determined that proposed disturbances could be reclaimed to a condition that is at least as stable as pre-mine conditions.

3. <u>SOILS</u> : quality, distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Approximately 2" to 3" of soil would be salvaged from the hill slope. Approximately 6" of soil is planned for redistribution on the disturbed mine area. Additional soil would be imported from the adjacent subdivision road construction project.</p> <p>A remedial investigation of the chemical and physical properties of surface soils (0 to 1 inch) around the ASARCO plant in East Helena was summarized in the following May 1987 report by the Environmental Protection Agency (EPA), Hazardous Site Control Division (EPA Work Assignment No. 68-8L30.0): <i>Remedial Investigation of Soils, Vegetation and Livestock for East Helena Site (ASARCO)</i>. The soil sample grid for this investigation surrounded the proposed permit area. There were 3 samples taken. The average lead concentration for these three samples is 105 mg/kg dry weight. All samples were below the 500 mg/kg EPA threshold for remedial action.</p>
4. <u>WATER</u> : quality, quantity; distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There are wells close to 1000' from the site. Wells are for domestic use in the Summer Minor Subdivision and are up to 420' in depth. The site would not intersect the groundwater table. As there is no processing of product and no access road, water may not be needed for dust control. If water were needed, it would have to be hauled in.</p> <p>No significant impacts to the surface water or ground water would be expected as a result of mining or soil salvage because of limited contact with water. Surface water runoff would be contained within the excavation.</p>
5. <u>AIR</u> : quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There would be some degradation of air quality while operations are in progress. The proponent must comply with state air quality regulations.</p>
6. <u>UNIQUE, ENDANGERED, FRAGILE, OR LIMITED ENVIRONMENTAL RESOURCES</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None identified.
<b>BIOLOGICAL ENVIRONMENT</b>						
1. <u>TERRESTRIAL, AVIAN, AND AQUATIC SPECIES AND HABITATS</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The Montana Natural Heritage Program reported no species of concern in the area. Abundant similar habitat exists in the area.</p>
2. <u>VEGETATION</u> : quantity, quality, species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The Montana Natural Heritage Program reports the wedge-leaved saltbush as a species of special concern for the area. No saltbush was identified in or adjacent to the permit area.</p>
3. <u>AGRICULTURE</u> : grazing, crops, production	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A small area of grassland would be taken out of production without significant impact to local agriculture.</p>
<b>HUMAN ENVIRONMENT</b>						
1. <u>SOCIAL</u> : structures, mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

2. <u>CULTURAL</u> : uniqueness, diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. <u>POPULATION</u> : quantity, diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. <u>HOUSING</u> : quantity, distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. <u>HUMAN HEALTH &amp; SAFETY</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. <u>COMMUNITY &amp; PERSONAL INCOME</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. <u>EMPLOYMENT</u> : quantity, distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. <u>TAX BASE</u> : local, state tax revenue	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. <u>GOVERNMENT SERVICES</u> : demand	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. <u>INDUSTRIAL, COMMERCIAL, &amp; AGRICULTURAL ACTIVITIES</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. <u>HISTORICAL AND ARCHAEOLOGICAL</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The State Historic Preservation Office (SHPO) conducted a search of its records and found no recorded historic or archaeological sites within the proposed permit area and therefore felt a cultural resource inventory was unwarranted. If during operations resources were to be discovered, activities would be halted and moved to another area until SHPO was contacted and the importance of the site was determined.
12. <u>AESTHETICS</u> : noise, visual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The permit area cannot be seen from any public points of access. There are several private homes in the Summers Minor Subdivision that would be impacted by noise and dust; however, impacts would be insignificant given the short duration of the project, excavating only during the winter months, no processing of materials, prevailing wind direction, and limiting the hours of operation to between 7 a.m. and 6 p.m., Monday through Friday.
13. <u>ENVIRONMENTAL PLANS AND GOALS</u> : local, regional	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed operation complies with county zoning regulations.
14. <u>DEMANDS ON ENVIRONMENTAL RESOURCES</u> : land, water, air, energy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15. <u>TRANSPORTATION</u> : networks, traffic flows	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Traffic on the highway would have to comply with all traffic laws. The potential impacts to Highway 282 and other public roads should be less than those impacts that would result from the importation of material from more distant sites.

**ALTERNATIVES CONSIDERED:** The Department would deny an incomplete application or one that does not comply with the Act and Rules. The proponent could then submit a modified application or submit an application for another site.

**PUBLIC INVOLVEMENT:** Agencies and individuals involved in the process included the Montana Natural Heritage Program, State Historic Preservation Office, local zoning authority, county weed control board, and landowner. Resident Notification forms were delivered to local residents. Only one form was returned to the DEQ. The person who returned the notification was contacted by phone. His concerns and questions were addressed and he will receive a copy of this EA.

**OTHER GROUPS OR AGENCIES CONTACTED OR WHICH MAY HAVE OVERLAPPING JURISDICTION:** DEQ's Air Resources Management Bureau regarding air quality, DEQ's Water Protection Bureau regarding water discharge, DNRC's Water Rights Bureau regarding water rights, and MSHA and OSHA regarding mine safety.

**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.

**RECOMMENDATION FOR FURTHER ENVIRONMENTAL ANALYSIS:** NO FURTHER ANALYSIS

**INDIVIDUALS OR GROUPS CONTRIBUTING TO THIS EA:** NONE

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Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

Prepared by: Peter Mahrt