

**ENVIRONMENTAL ASSESSMENT CHECKLIST**  
**JTL GROUP, INC.**  
**OLD STEEL BRIDGE (1986 PERMIT) SITE**  
**FLATHEAD COUNTY, MONTANA**

This Environmental Assessment (EA) is required under 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.

Approval or denial of the application will be based on a determination of whether or not the proposed operation complies with the Opencut Mining Act, the Rules adopted thereunder, and local laws and regulations--not on the popularity of the project.

**BACKGROUND:**

This amendment request includes the placement and use of a concrete batch plant in the north portion of what has become known as the 1986 permit or, by the Department of Environmental Quality (DEQ), as the Old Steel Bridge Permit. See ATTACHMENT 1 below. The proposed concrete batch plant operation was submitted to the Flathead County Planning Office and subsequently went through the public review process. Flathead County issued a Conditional Use Permit (CUP) on November 8, 2005. The conditions of the CUP are contained un-edited in ATTACHMENT 2 below.

**PROPONENT:** JTL Group, Inc.

**PROJECT NAME:** Old Steel Bridge Site (also known as the 1986 Permit), Amendment #1

**LOCATION:** SE¼ Section 3 and the NE¼ Section 10, T28N, R21W

**COUNTY:** Flathead

**TYPE AND PURPOSE OF ACTION:**

The applicant proposes to amend its mining permit to include a concrete batch plant and to place limits on the hours of operations not otherwise specific in the current permit. Other proposed changes include commitments to an approximate volume of product to be recovered, a final date for reclamation, and a new map. The permitted area is located between Hwy 35 and Holt Stage Road along the Flathead River. Adding a concrete plant to this site would not change the general operational specifications or reclamation plan in the original permit. The hours of operation would match those specified in the CUP. The final date of reclamation would be the year 2025 and the total volume to be removed from the site would be 2.5 million cubic yards. These items are not currently specified in the permit. Other restrictions imposed by the Flathead County 10-year CUP include noise-reducing measures like sound dampening devices, drive through batching of trucks, and the use of spotters instead of back-up alarms before 7:00 AM.

A: Significant Unavoidable Impacts. B: Insignificant as a result of conditioned mitigation. C: Insignificant as proposed.

				POTENTIAL IMPACTS		
	A	B	C	LONG TERM	SHORT TERM	EXPLANATION
<b>PHYSICAL ENVIRONMENT</b>						
1. <u>TOPOGRAPHY</u>						The batch plant will have no effect on topography.
2. <u>GEOLOGY</u> ; Stability						No effect.
3. <u>SOILS</u> ; Quality, Distribution			X		X	Soils have been stripped, saved and would be replaced after mining is finished.
4. <u>WATER</u> ; Quality, Quantity; Distribution			X		X	The operation would not affect ground or surface waters including the nearby Flathead River.
5. <u>AIR</u> ; Quality			X		X	Some deterioration of air quality would occur, but the operator is responsible to operate within its air quality permit issued by the DEQ Air Resources Management Bureau.
6. <u>UNIQUE, ENDANGERED, FRAGILE, or LIMITED</u> environmental resources						No unique, endangered, fragile or limited species are known at this site.
<b>BIOLOGICAL ENVIRONMENT</b>						
1. <u>TERRESTRIAL, AVIAN, and AQUATIC</u> ; species and habitats			X		X	The area is an existing gravel site. Wildlife displaced during active mining would return following reclamation.
2. <u>VEGETATION</u> ; Quantity, quality, species			X		X	The existing site is currently under permit and all vegetation in the area where the concrete plant would be set up has been stripped off.
3. <u>AGRICULTURE</u> ; grazing, crops, production						Due to lack of vegetation on site, there would be no impacts on agriculture or grazing.
<b>HUMAN ENVIRONMENT</b>						
1. <u>SOCIAL</u> , structures and mores						No impacts are anticipated as a result of this amendment.
2. <u>CULTURAL</u> ; Uniqueness, diversity						No unique or diversified cultural values exist.
3. <u>POPULATION</u> ; quantity and diversity						No effect on the population is anticipated.
4. <u>HOUSING</u> ; quantity and						No effects are anticipated on the

distribution						quantity or distribution of housing due to this amendment.
5. <u>HUMAN HEALTH &amp; SAFETY</u>			X		X	The operator must comply with existing traffic and air quality laws.
6. <u>COMMUNITY &amp; PERSONAL INCOME</u>			X		X	The landowner may benefit from additional revenue or value added by this operation.
7. <u>EMPLOYMENT</u> ; quantity and distribution			X		X	No additional employees would be hired to assist in daily operations.
8. <u>TAX BASE</u> ; local and state tax revenue			X		X	Additional taxes may be generated for the state and county as concrete is hauled to local markets.
9. <u>GOVERNMENT SERVICES</u> ; demand			X		X	The site would be monitored through its permit life along with other sites in the area.
10. <u>INDUSTRIAL, COMMERCIAL and AGRICULTURAL</u> activities						The site is currently under mining permit and is used industrially. There would be no impacts to commercial or agricultural activities with this amendment.
11. <u>HISTORICAL AND ARCHAEOLOGICAL</u>						No historical, cultural or archaeological values are present.
12. <u>AESTHETICS</u>						<p>The site sits back several hundred feet from the Flathead River and is visible to the general public from both the river and from Hwy 35 to the north.</p> <p>There would be some noise generated by the concrete plant, but the anticipated hours of operation would reasonably mitigate that impact by limiting noise to normal daytime working hours so that they would not impact people who are trying to sleep at night, or who wish to enjoy evening and Sunday activities. Sonic backup alarms are required on mobile equipment for worker safety by the US Mine Health and Safety Administration (MSHA). The decibel level of the alarms is regulated by MSHA.</p> <p>The operator has agreed to mitigate the impacts of noise and light on nearby residents from this plant by agreeing to the conditions placed on it by Flathead County as indicated below.</p>
			X		X	

13. <u>ENVIRONMENTAL PLANS</u> and <u>GOALS</u> ; local and regional						The Flathead County Zoning Administrator has declared this site to be in compliance with local zoning regulations and granted Conditional Use Permit #FCU-05-28 on November 8, 2005.
14. <u>DEMANDS</u> on <u>ENVIRONMENTAL RESOURCES</u> of land, water, air and energy						There are no unusual demands on environmental resources.
15. <u>TRANSPORTATION</u> ; networks and traffic flows			X		X	There would not be additional traffic due to this amendment. The raw sand and gravel needed for concrete is currently hauled to batch plants from this permit. Batching concrete at this site would eliminate the need for extra haulage to external concrete plants.

ALTERNATIVES CONSIDERED: The Department would deny an incomplete application or one that does not comply with the Act or 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 Flathead County Zoning Office and the landowner. Notice and a public hearing were conducted by the county prior to issuance of the county Conditional Use Permit. A copy of this EA was put on the DEQ website and advertisements were placed in the Daily Inter Lake newspaper requesting comments prior to 5:00 p.m. on Friday, June 15th. There were no comments received.

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, MSHA and OSHA regarding mine safety.

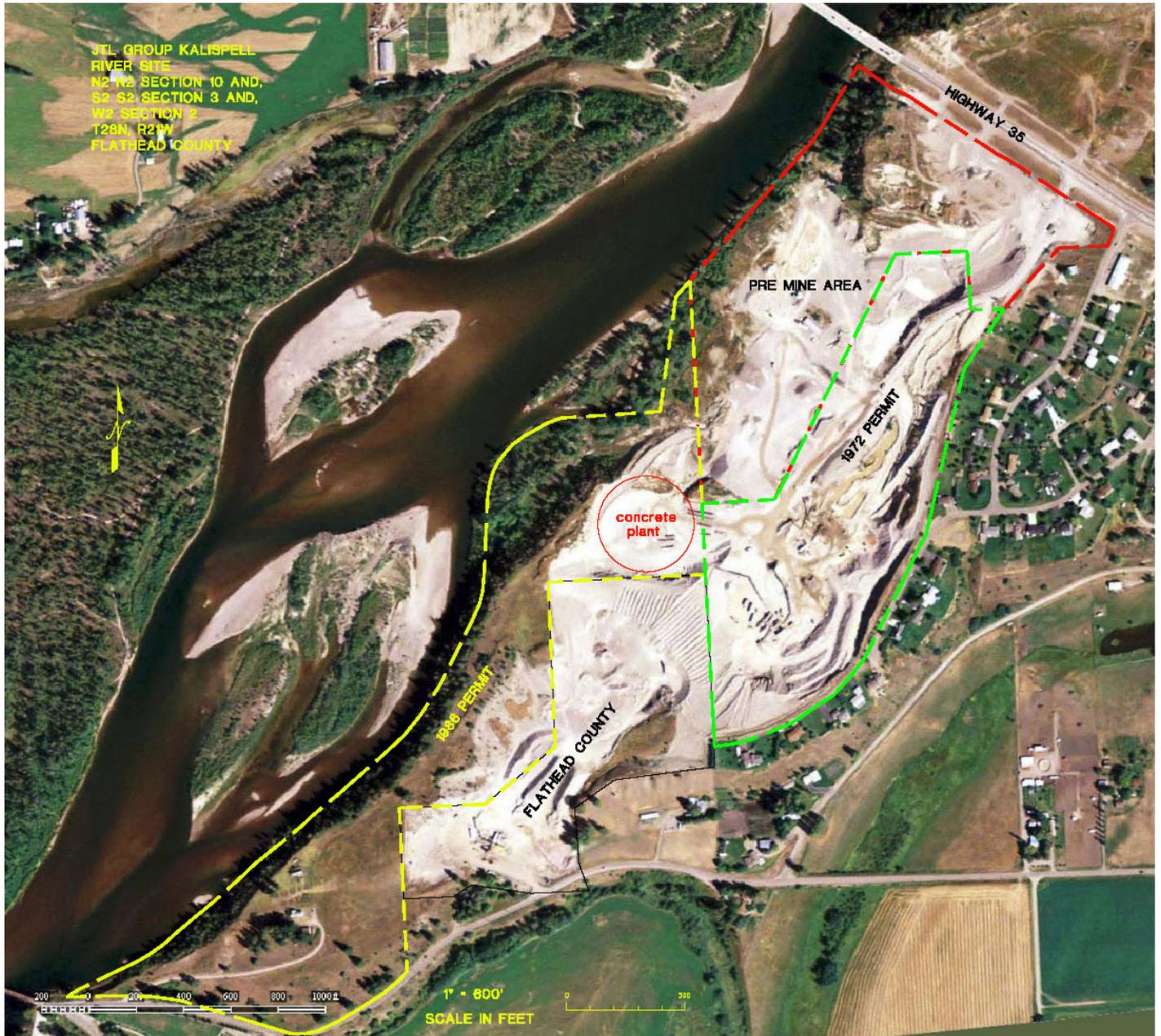
REGULATORY IMPACT ON THE APPLICANT'S PRIVATE PROPERTY: The analysis done in response to the Private Property Assessment Act indicates no impact. The Department does not plan to deny the application or impose conditions that would restrict the use of private property so as to constitute a taking.

INDIVIDUALS OR GROUPS CONTRIBUTING TO THIS EA: None

RECOMMENDATION FOR FURTHER ENVIRONMENTAL ANALYSIS: No further analysis is required.

Prepared by: Rod Samdahl

# ATTACHMENT 1 - LOCATION MAP



# ATTACHMENT 2 - FLATHEAD COUNTY PERMIT

JTL, INC.  
EXTRACTIVE INDUSTRY  
CONDITIONAL USE PERMIT #FCU-05-28  
November 8, 2005

## Location and Size:

The subject property is 42 acres, located on MT Highway 35, immediately southeast of and adjacent to the Flathead River, east of Kalispell. The property can be described as Assessor's Tracts IAA, 4, and 4A in Section 3 and Tracts IB and 3AA in Section 10, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

## Nature of Request:

This is a request by JTL, Inc. to allow a concrete batch plant, crusher, and wash plant. A Conditional Use Permit was granted August 7, 2005 for extractive industry operations on an adjoining site. Condition 31 of this permit (FCU-OS-18) states: "JTL will submit an application for location of the drive-through concrete batch plant on the 1986 permit area within one year of receipt of this permit."

This property is located in the AG-80, East Side Zoning District. An Extractive Industry is listed as a Conditional Use in this zoning designation under 3.04.030(14) of the Flathead County Zoning Regulations.

## *This conditional use permit is hereby granted subject to the following conditions:*

1. ~~The drive through concrete batch plant, crushing, and washing facilities approved with FCU 05-18 will be located on the 1986 site. The applicant is no longer authorized to operate a concrete batch plant, crushing, or washing facilities on the "pre-law" site reviewed with FCU 05-18. All other conditions of FCU 05-18 remain in force. No more than two crushing or washing facilities shall be permitted within the pre-law, 1972, and 1986 areas.~~
2. The applicant shall submit a revised reclamation plan for the adjoining "pre-law" site in light of relocation of the processing operations. It is expected that the "pre-law" site will be fully reclaimed no later than 2015. The applicant shall also submit a reclamation plan for the 1986 site.
3. Development and operation of the facility shall be performed in compliance with the information presented and approved except as otherwise modified by these conditions.
4. Any change or modification to the use not specified in the application may not be effected unless specifically approved in writing either by the Flathead County Planning and Zoning Office or the Flathead County Board of Adjustment.

5. If the permittee fails to commence authorized activities as allowed by this permit within one year from the date of issuance, this permit shall expire one year from the date of issuance. (Note: by letter dated December 16, 2006 to JTL, the Flathead County Planning and Zoning Office granted a one-year extension of this deadline to November 8, 2007.)
6. Conditional Use Permit FCU-O5-28 is valid for ten years from the date of issuance and runs with the property. Should the property be sold during this time, and if the new owner wishes to continue the use of the property, said use shall remain in compliance with all terms of this conditional use permit AND be commenced within one year of transfer of ownership.
- ~~7. Prior to expiration of the conditional use permit, the applicant will submit to administrative review of the operations. The applicant may request five year extensions of the permit. Extensions will be granted by the Zoning Administrator.~~
- 7a. The reclamation date of 2015 can be extended through request for administrative review of the zoning administrator.*
- 7b. The concrete batch plant, crusher, and washer can continue for a period of twenty years.*
8. The applicant will obtain a letter from the Creston Fire Department approving all access, parking, fire suppression, and emergency evacuation plans.
- ~~9. The applicant will maintain a 150 foot natural buffer along the river, and no vegetation will be removed from the buffer except as part of noxious weed management. Operations will at no time encroach upon the buffer area.~~
10. The applicant will obtain permit authorization for a potential storm water discharge and develop and implement a Storm Water Pollution Prevention Program in the interest of protecting and preserving the Flathead River.
11. Hours of operation for concrete batching, crushing, washing, and hauling will be 7:00 AM to 6:00 PM, Monday through Saturday. The following hours are for concrete batching only and do not apply to other activities on the subject property, which will commence at 7:00 a.m. No operations will take place on Sundays. Hours of operation for concrete batching will be between 6:00 AM and 6:00 PM May 1st to May 15th and September 15th to October 31st. From May 16 to September 14th hours of operation will be between 5:00 AM and 6:00 PM. The applicant may utilize hours necessary to service major projects such as Going to the Sun, large airport and highway projects and large commercial projects.
12. The applicant will employ all available means to minimize noise generated by operations. This includes, but is not limited to, sound dampening devices in concrete batch plant hoppers, loading hoppers before close of business to minimize early morning disturbance, drive-through batch facilities to minimize or eliminate reverse motion of trucks and positioning equipment away from residential areas. JTL will provide a spotter or strobe light to eliminate vehicle backup alarms for hours of operation before 7:00 AM.
13. The applicant will show proof of current approach permits obtained from the Montana Department of Transportation for access to MT Highway 35.
14. Blasting operations are expressly prohibited.

15. The applicant will consult all relevant authorities, including, but not limited to, the Department of Environmental Quality, Montana Department of Fish, Wildlife and Parks, Flathead Conservation District, Department of Natural Resources Conservation, and Flathead County prior to commencement of any work impacting the water table.
16. Dust abatement will be performed consistently and conscientiously to limit any impacts to the surrounding properties and general air quality.
17. The haul road will be paved and located away from residential development situated at the eastern boundary of the site.
18. Any light used for the operation will be directed in such a way as to be contained within the boundaries of the property and shall be hooded, screened or directed in a manner that it will not be detrimental to the adjoining property owners or the neighborhood. Lights will be extinguished at the close of business each day.
19. Soils stockpiled onsite will be bermed to a minimum of eight feet. Berms shall be maintained to reduce noise and visual impact of the extraction operation on surrounding ownerships, specifically the residential neighborhood to the east.
20. Stockpiled topsoil and overburden berms will be revegetated in accordance with a plan approved by the Flathead County Weed and Parks Department. A signed Invasive Plant Management Form will be obtained from the County Weed and Parks Department and submitted to Flathead County Planning and Zoning.
21. Fencing will be maintained or installed around the mining perimeter to secure the property. Any fencing proposed to the Flathead River will require permitting through the 310 process under the jurisdiction of the Flathead Conservation District
22. Pockets and stagnant pools of water resulting from surface drainage will be treated to eliminate breeding places for mosquitoes and other insects or the ponds will be periodically drained to prevent the creation of such breeding places. All larvicides used will be environmentally safe and pose no threat to water quality.
23. Both the landowner and operator of the mining operation will comply with the Montana Openpit Mining Act, as administered by the Montana Department of Environmental Quality. The conditions of this permit are in addition to the requirements of the State. Violations of the state-issued permit are construed as a violation of this permit.
24. Signage will be posted at the approach site to alert vehicular and pedestrian traffic to the presence of heavy truck travel at the intersection of the haul road and MT Highway 35.
25. Signage will be posted at the pit in accordance with the U.S. Department of Labor's Mine Safety and Health Administration requirements.
26. All parking areas for employee vehicles and trucks will be provided onsite.
27. A Plan of Operations will be signed and approved by the owner's operator and the Montana Department of Environmental Quality and a copy submitted to Flathead County Planning and Zoning.

28. Onsite fuel storage will be in conformance with DEQ regulations, including storage containment and monitoring requirements and will be located a minimum of 200 feet from the Flathead River.
29. The applicant will submit proof of water rights from the Montana Department of Natural Resources Conservation.
30. Items required in Conditions 2, 8, 10, 11, 20, 27 and 29 shall be furnished to Flathead County Planning and Zoning prior to issuance of a Zoning Compliance Form.
31. Should the permittee fail or be unable to comply with any condition of approval, this permit is null and void.

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Jeff Harris  
Director/Zoning Administrator