Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-33
December 12, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT NAME:	Butte-Silver Bow City/County 155 W. Granite Street Butte, MT 59701
FACILITY NAME:	Butte-Silver Bow Wastewater Treatment Plant
FACILITY LOCATION:	Section 23, Township 3 North, Range 8 West Silver Bow County
RECEIVING WATER:	Silver Bow Creek
PERMIT NUMBER:	MT0022012

The Butte-Silver Bow City/County (BSB) Wastewater Treatment Plant is a complete mix-activated sludge secondary treatment system with aerobic sludge digestion and ultraviolet (UV) disinfection. The plant serves approximately 27,000 people. The draft permit maintains the previous effluent limits for 5-Day Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), oil and grease, pH, *E.coli* bacteria, and the Waste Load Allocations for total nitrogen and total phosphorus. New limits for total ammonia and specific metals are proposed. Increased influent and effluent monitoring requirements will ensure the facility is in compliance with Montana water quality standards. A permit special condition for land

application of treated wastewater is incorporated.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al., CA 97-35-M-DWM*, District of Montana, Missoula Division. The Department finds that the issuance of this proposed permit does not conflict with the order because there are no new or increased sources associated with this discharge.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS **January 11, 2012**. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS **January 11, 2012** will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

PUBLIC NOTICE NO. MT-11-33
December 12, 2011

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

TODD EVERTS
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
INTERAGENCY MAIL

MDT
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001
Timothy W. Reardon, Director
Brian Schweitzer, Governor

December 12, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

MASTER FILE COPY

Subject: Statewide Pavement Preservation Project
STPS 384-2(9)31
Treasure Co Line - N
Control Number: 7538 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzy Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):
Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

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(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS
(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

UPN: 75380000 ID: STPS 384-2(9)31 Project Name: Treasure Co Line-N

Reference Post (Station) 31.45 to Reference Post (Station) 40.49

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill and Overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

	Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
		Yes	No	Comment (Use attachments if necessary)
1.	Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	☐	☒	
2a.	Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	☒	☐	☒ Unknown Greater Sage Grouse
2b.	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	☐	☒	☐ Unknown No effect due to Limited Scope of work.
3.	Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	☐	☒	
3a.	If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit)required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	☐	☐	☒ N/A
3b.	Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcpx). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	☐	☒	
4.	Does the proposed project have impacts to wetlands , streams, or other water bodies? If 'No', go to question 5.	☐	☒	
4a.	If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	☐	☐	☒ N/A
4b.	If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	☐	☐	☒ N/A
5.	Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	☐	☒	
6.	Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	☐	☒	
6a.	Are any Tribal water permits required?	☐	☐	☒ N/A
7.	Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcpx) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L Bend Wilderness Areas)	☐	☒	

Checklist prepared by:

Rod Nelson	Project Design Engineer	12/1/2011
Applicant	Title	Date

Approved by:

ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR

Environmental Services	Title	12/12/11 Click here to enter a date.
		Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.

B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**

C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.

D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.

E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.

F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

MDT
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

December 12, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Subject: Statewide Pavement Preservation Project
NH 16-1(51)12
North of Billings - N
Control Number: 7593 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
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Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):
Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

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(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS
(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

UPN: 75930000 ID: NH 16-1(51)12 Project Name: North of Billings-N

Reference Post (Station) 11.85 to Reference Post (Station) 23.27

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill and Overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)				
Impact Questions		[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
		Yes	No	Comment (Use attachments if necessary)
1.	Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	☐	☒	
2a.	Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	☒	☐	☒ Unknown Greater Sage Grouse
2b.	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	☐	☒	☐ Unknown No effect due to Limited Sage
3.	Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	☐	☒	
3a.	If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit)required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	☐	☐	☒ N/A
3b.	Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wginfo/MPDES/StormWater/ms4.mcpx). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	☐	☒	
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4a.	If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	☐	☐	☒ N/A
4b.	If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	☐	☐	☒ N/A
5.	Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	☐	☒	
6.	Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	☐	☒	
6a.	Are any Tribal water permits required?	☐	☐	☒ N/A
7.	Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcpx) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L Bend Wilderness Areas)	☐	☒	

Checklist prepared by:

Rod Nelson	Project Design Engineer	12/1/2011
Applicant	Title	Date

Approved by: ENVIRONMENTAL ENGINEER/ SECTION SUPERVISOR 12/12/11

Environmental Services	Title	Click here to enter a date.
		Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.

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D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.

E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.

F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

Dear Interested Citizen: December 2011

Montana Fish, Wildlife & Parks (FWP) and Montana Department of Livestock invite the public to comment on the Draft Environmental Assessment (EA) on the evaluation of adaptive management adjustments to the Interagency Bison Management Plan. The proposed adjustments include expanding the bison tolerance area north of Gardiner MT and to use the bison quarantine facility at Corwin Springs MT to hold tested Yellowstone bison during the winter until they are released back into Yellowstone National Park in the spring.

Copies of the EA can be obtained at the FWP regional headquarters in Bozeman and FWP's headquarters in Helena or by viewing FWP's Internet website at http://fwp.mt.gov (click on "Public Notices").

Public comments will be accepted by FWP until 5pm on January 13, 2012. Comments can be submitted via regular mail to FWP Attn: IBMP Adjustments, 1400 S 19th Ave., Bozeman MT 59718, or emailed to IBMPadjustments@mt.gov.

Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

December 21, 2011

Interested Party List

RE: Draft Checklist EA for Shumaker Trucking & Excavating Contractors, Inc., for an Operating Permit

Dear Reader:

Enclosed for your review and comment is the Draft Checklist Environmental Assessment (CEA) for an operating permit requested by Shumaker Trucking & Excavating Contractors, Inc., (Shumaker) located at PO Box 1279, Great Falls, MT, 59403. Shumaker filed an application for an Operating Permit on June 3, 2011 from the Montana Department of Environmental Quality (DEQ), Environmental Management Bureau in Helena. The application was later revised on October 17, 2011.

Shumaker has proposed expanding a quarry and rock crushing operation currently covered under a Small Miner Exclusion Statement (SMES). This proposed expansion would exceed the acreage allowed under an SMES, and therefore an Operating Permit must be obtained. The crushed rock would be used for aggregate and riprap. The quarry would be excavated using heavy equipment such as excavators, loaders, and dozers, as well as screening equipment. An asphalt plant may be used. Blasting would be required several times per year. A highwall would be left, but would not be visible from Birdtail Creek Road.

The site is about 5 miles south of Fort Shaw, Mt. in Section 35, Township 20 North, Range 2 West in Cascade County. Existing roads would be used to access the proposed quarry site. Increased truck traffic from what currently exists is not expected. The site would consist of a total of about 35.6 acres. The operating permit would allow the quarry to continue to be worked, with total disturbance, including what has already been disturbed, of about 16 acres over the next five years. Mining, screening, or crushing operations would normally take place during daylight hours from 6 AM to 7 PM Monday through Saturday.

The proposed operation has been reviewed for compliance under a Supplemental Programmatic Environmental Assessment (SPEA) for a General Quarry Operating Permit published by the DEQ in February 2004. DEQ has determined that this operation does not meet the requirements listed in the SPEA since there would be more than five acres unreclaimed at any one time. An operating permit may be issued once the application is

develops additional lease agreements on other sites in the future, they would have to apply for an amendment or revision to the operating permit.

Shumaker must obtain an operating permit as the site cannot stay under the five acre disturbed and unreclaimed limit required under the SMES. The operating plan calls for reclamation of all surface disturbances with a post-mining land use of livestock grazing, however, a rock face will remain.

On June 3, 2011 and later revised on October 17, 2011, the Department of Environmental Quality (DEQ) received an application for an operating permit from Shumaker. Shumaker proposes to operate a shonkonite quarry on Shaw Butte. The proposed quarry is approximately 5 miles south of Fort Shaw, Montana, on property owned by the Cascade Hutterite Colony. Shonkonite is a dark igneous rock with blocky crystals of glossy black augite frequently used for road, railroad and construction projects. The quarry would be permitted under the Metal Mine Reclamation Act, Title 82, chapter 4, part 3, Montana Code Annotated (MMRA).

The site has had quarry activity starting prior to 1960. For the last 18 years, Shumaker has conducted quarry activities at the site under a SMES. Shumaker is applying for an operating permit because the proposed operation exceeds the five-acre disturbance limit for a SMES.

On November 14, 2011, DEQ determined that Shumaker's application was complete and compliant. When an application is complete and compliant, DEQ is required under Section 82-4-337(d), MCA, to detail in writing the substantive requirements of the MMRA and how the application complies with those requirements. This document sets forth DEQ's determination that Shumaker's application complies with the substantive requirements of the MMRA. It should be noted that the compliance determination required under Section 82-4-337(d), MCA, is made in conjunction with issuance of a draft permit prior to the environmental review of the proposed mining operation under the Montana Environmental Policy Act, Title 75, chapter 1, Montana Code Annotated (MEPA). Thus, DEQ's compliance determination is made based on DEQ's analysis of the information set forth in Shumaker's application. DEQ may add stipulations to the final permit pursuant to Section 82-4-337(2)(b), MCA, with Shumaker's consent or if the environmental review conducted under MEPA demonstrates that the stipulations are necessary to comply with the substantive requirements of the MMRA.

A. <u>Section 82-4-335(2)(a), MCA</u>

Under Section 82-4-335(2)(a), MCA, a person who engages in the mining of rock products may obtain an operating permit for multiple sites if each of the multiple sites does not:

(a) operate within 100 feet of surface water or in ground water or impact any wetland, surface water, or ground water;

(b) have any water impounding structures other than for storm water control;

(c) have the potential to produce acid, toxic, or otherwise pollutive solutions;

(d) adversely impact a member of or the critical habitat of a member of a wildlife species that is listed as threatened or endangered under the Endangered Species Act of 1973; or

(e) impact significant historic or archaeological features.

In regard to subsection (a), Shumaker's application indicates the proposed mining operation would be located in an ephemeral drainage that has been previously quarried. No surface water is located within 1,000 feet of the proposed operation (Application, p. 2) and the operation would not intercept groundwater (Application, p. 2). In addition, there are no wetlands in the proposed permitted disturbance area (Application, p. 2). Based on information contained in the application, DEQ does not believe that any wetland, surface water, or ground water would be impacted.

In regard to subsection (b), the only water impounding structures described in Shumaker's application are soil berms used to collect storm water and sediment and to prevent storm water discharge from the facility (Application, p. 2). This is a water impounding structure allowed under subsection (b).

The proposed quarry complies with subsection (c). Shumaker's application indicates that shonkonite is non-acid producing and has no potential for containing asbestiform minerals (Application, p. 4).

The proposed quarry complies with subsection (d). A printout from the Montana Natural Heritage Program that is attached to Shumaker's application indicates that there are no threatened and endangered species located in the township and range within which the proposed operation is located.

The proposed quarry complies with subsection (e). A report issued by the State Historic Preservation Office is attached to Shumaker's application. The records of the State Historic Preservation Office indicate that there are no previously recorded cultural sites in the area of the proposed quarry operation. Shumaker's application further indicates that it will provide appropriate protection for identified cultural resources that could be affected by the quarry operation and to notify the State Historical Preservation Office and DEQ should cultural resources be found (Application, p. 10.)

Because Shumaker's proposed quarry complies with the criteria set forth in Section 82-4-335(2)(a), MCA, Shumaker would be allowed to include the proposed quarry operation in an operating permit for multiple sites if the other sites also comply with the criteria. While Shumaker's permit application is for a single quarry, it may amend the permit to cover additional rock product mining operations as authorized under Section 82-4-335(2)(a), MCA.

B. <u>Section 82-4-335(6), MCA</u>

Section 82-4-336(1), MCA, provides that lands disturbed by mining must be reclaimed consistent with the requirements and standards set forth in Section 82-4-336, MCA, taking into consideration the site-specific conditions and circumstances, including the postmining use of the mine site. The requirements and standards are set forth below.

1. **Section 82-4-336(2), MCA.**

Section 82-4-336(2), MCA, requires the reclamation plan to provide that reclamation activities, particularly those relating to the control of erosion, be conducted simultaneously with the operation and in any case must be initiated promptly after completion or abandonment of the operation on those portions of the complex that will not be subject to further disturbance.

The reclamation plan set forth in Shumaker's application satisfies this requirement. It provides that Shumaker will complete reclamation on an area no longer needed for quarry operations within two years after such operations. Final reclamation will be completed upon quarry completion. The reclamation plan assumes that the quarry has a potential life of 50 years or more (Application, p. 10). In addition, the application indicates that Shumaker will keep the open, unreclaimed area to a minimum but still suitable for operations (Application, p. 9).

2. **Section 82-4-336(3), MCA.**

Section 82-4-336(4), MCA, requires the reclamation plan to provide that reclamation activities be completed not more than two years after completion or abandonment of the operation on that portion of the complex unless DEQ provides a longer period. The reclamation plan set forth in Shumaker's application satisfies this requirement. See discussion of Section 82-4-336(2), MCA.

3. **Section 82-4-336(4), MCA.**

Section 82-4-336(4), MCA, requires the reclamation plan to provide that the operator may not depart from an approved plan without previously obtaining from DEQ written approval for the proposed change in the absence of emergency or suddenly threatening or existing catastrophe. The reclamation plan set forth in Shumaker's application satisfies this requirement. It affirms that the plan will be followed unless officially amended by DEQ.

4. **Section 82-4-336(5), MCA.**

Section 82-4-335(5), MCA, requires the reclamation plan to avoid accumulation of stagnant water in the development area to the extent that it serves as a host or breeding ground for mosquitoes or other disease-bearing or noxious insect life. The reclamation plan set forth in Shumaker's application satisfies this requirement. The only accumulation of water would be associated with the soil berms created to prevent storm water discharge (Application, p. 2.). Any storm water collected by the soil berms should be of short duration and not serve as a host or breeding ground for insects. The proposed operation does not include the creation of any ponds (Application, p. 11.)

5. **Section 82-4-336(6), MCA.**

Section 82-4-336(7), MCA, requires the reclamation plan to require all final grading to be made with nonnoxious, nonflammable, noncombustible solids unless DEQ grants approval for a supervised sanitary fill. The reclamation plan set forth in Shumaker's application satisfies this requirement. The final grading would be made with salvaged overburden and soil (Application, p. 11.), which are nonnoxious, nonflammable, and noncombustible.

6. **Section 82-4-336(7), MCA.**

When mining has left an open pit exceeding two acres of surface area and the composition of the floor or walls of the pit is likely to cause formation of acid, toxic, or otherwise pollutive solutions on exposure to moisture, Section 82-4-336(7), MCA, requires the reclamation plan to include provisions that adequately provide for:

1. Insulation of all faces from moisture or water contact by covering the faces with material or fill not susceptible itself to generation of objectionable effluents in order to mitigate the generation of objectionable effluents;

2. Processing of any objectionable effluents in the pit before they are allowed to flow or be pumped out of the pit to reduce toxic or other objectionable ratios to a level considered safe to humans and the environment by DEQ;

3. Drainage of any objectionable effluents to settling or treatment basins when the objectionable effluents must be reduced to levels considered safe by DEQ before release from the settling basin;

4. Absorption or evaporation of objectionable effluents in the open pit itself; and

5. Prevention of entrance into the pit by persons or livestock lawfully upon adjacent lands by fencing, warning signs, and other devices that may reasonably be required by DEQ.

While the reclamation plan set forth in Shumaker's application provides that highwalls will remain after reclamation, the highwalls would not likely cause formation of acid, toxic, or otherwise pollutive solutions on exposure to moisture. As indicated above, shonkonite is non-acid producing. Therefore, the reclamation plan does not need to include any of the provisions set forth in Section 82-4-336(7), MCA.

7. **Section 82-4-336(8), MCA.**

Section 82-4-336(8), MCA, requires a reclamation plan to provide for vegetative cover if appropriate to the future use of the land as specified in the reclamation plan. The reestablished vegetation cover must meet county standards for noxious weed control.

The reclamation plan set forth in Shumaker's application complies with Section 82-4-336(8), MCA. It proposes to return the area disturbed by mining to its premining status as dryland agricultural grazing with the exception of most of the facility area (Application, p. 10). Approximately two acres of the facility area would be returned to dryland agricultural grazing (Application, p. 13). The remaining portion of the facility area would be used postmining to locate product stockpiles left for the landowner's use. The application indicates that the landowner would assume reclamation for the facility area after removal of product stockpiles by importing soil from other locations on property owned by the landowner. Alternatively, the landowner could use the facility area for hay or other ranch-related storage (Application, pp. 9 and 10.).

For the area to be returned to dryland agricultural grazing, the reclamation plan provides that regraded areas would be ripped after overburden and soil are spread to

relieve compaction and prepare the seedbed. The area would be broadcast seeded with an agency-approved seed mix. Fertilizer would be applied at the time of seeding at the rate of 40 pounds of nitrogen and 40 pounds of phosphorous per acre (Application, p. 12.). In the reclamation plan, Shumaker commits to obtain a weed control plan approved by Cascade County or to hire Cascade County to do the weed control (Application, p. 11.).

8. **Section 82-4-336(9)(a), MCA.**

With regard to disturbed land other than open pits or rock faces, Section 82-4-336(9)(a), MCA, requires the reclamation plan to return all disturbed areas to comparable utility and stability as that of adjacent areas. If the reclamation plan provides that mine-related facilities will not be removed or that the disturbed land associated with the facilities will not be reclaimed by the permittee, the post-mining land use must be approved by DEQ.

The reclamation plan set forth in Shumaker's application complies with Section 82-4-336(9)(a), MCA. As previously indicated, with the exception of a portion of the facility area, the disturbed land will be regraded and returned to dryland agricultural grazing, providing comparable utility and stability as that of adjacent areas. While most of the facility area will not be regraded and seeded, the application indicates that it has a legitimate postmining use by the landowner as a hay or other ranch-related storage area.

9. **Section 82-4-336(9)(b), MCA.**

With regard to open pits and rock faces, Section 82-4-336(9)(b), MCA, requires the reclamation plan to provide sufficient measures for reclamation to a condition:

1. Of stability structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to public safety and the environment;

2. That affords some utility to humans or the environment;

3. That mitigates postreclamation visual contrasts between reclamation lands and adjacent lands; and

4. That mitigates or prevents undesirable offsite environmental impacts.

The use of backfilling as a reclamation measure is neither required nor prohibited in all cases. DEQ's decision to require backfill must be based on whether and to what extent the backfilling is appropriate to achieve the standards described in (9)(b).

The reclamation plan set forth in Shumaker's application complies with Section 82-4-336(9)(b), MCA. The reclamation plan indicates that highwalls will remain after closure. These highwalls should be structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to public safety and the environment, as shonkonite is a very hard rock with limited potential to ravel over time (Application, p. 9). The application also indicates that the golden eagle is one of two raptors noted for the Shaw Butte area. The quarry may ultimately remove the top of the eastern ridge in the permitted area, removing a potential perching and nesting location (Application, p. 3.). The remaining highwalls, however, may serve as perching and

nesting habitat and feeding areas for golden eagles and other raptors. DEQ also believes that remaining highwalls may provide habitat for bats, some species of which have been identified as species of concern. Thus, the remaining highwalls would afford some utility to the environment.

The application indicates that Shaw Butte has a cap of shonkonite in high erosion relief (Application, p. 4). Thus, the visual contrast between the reclamation lands and adjacent lands is mitigated to the extent that there are other shonkonite features in high relief in the area. Additionally, the application indicates that the quarry would not be visible from the Birdtail Creek Road (Application, p. 9). Oblique views of the quarry are attached to the application. The facility area is visible from the road. A portion of the facility area will be regraded and revegetated with the remainder serving as a storage site for the landowner.

Based on its review of the application, DEQ is unable to identify any offsite environmental impacts that are not mitigated or prevented. As previously indicated, shonkonite is a very hard rock with limited potential to ravel over time and is nonacid producing. The only water impoundments are for storm water control, which should prevent offsite impacts. There is no surface water within 500 feet of the access road and within 1,000 feet of the proposed permit area. The closest well is more than 1,000 feet from the quarry. In addition, the proposed mining operation will not intercept groundwater.

While the application indicates that "no areas will be backfilled" (Application, p. 9), DEQ notes that the reclamation plan requires any available blasted rock and overburden to be pushed against highwalls to create berms at the toe of the highwalls (Application, pp. 9, 13). The toe berms are to be regraded to a slope of approximately 2:1 and serve to reduce safety hazards (Application, p. 11). Backfilling to the extent beyond creation of the toe berms is not necessary to achieve the standards set forth in Section 82-4-336(9)(b), MCA, as discussed above.

10. <u>Section 82-4-336(10), MCA.</u>

Section 82-4-336(10), MCA, requires the reclamation plan to provide sufficient measures to ensure public safety and to prevent the pollution of air or water and the degradation of adjacent lands. As indicated previously, shonkonite is a very hard rock with limited potential to ravel. Safety will be enhanced by creation of toe berms at the foot of the highwalls. The potential for impacts to air quality is created by the quarry operation. The application indicates that dust control (water trucks and sprays) would be used with quarrying, screening, and hauling operations as necessary in order to keep dust generated by mining activity and vehicle travel from blowing offsite (Application, p. 9). Crushers brought to the site are required to have an existing Air Quality Permit issued by DEQ (Application, p. 5). As previously indicated, the proposed operation as described in the application does not anticipate impacts to water or adjacent lands.

11. <u>Section 82-4-336(12), MCA.</u>

Section 82-4-336(12), MCA, requires a reclamation plan to provide for permanent landscaping and contouring to minimize the amount of precipitation that infiltrates into

disturbed areas that are to be graded, covered, or vegetated, including but not limited to tailings impoundments and waste rock dumps. The plan must also provide measures to prevent objectionable postmining ground water discharges.

As previously indicated, the application indicates that shonkonite is non-acid producing. Thus, unlike tailings impoundments and waste rock dumps consisting of acid generating material, there is not the need to minimize the amount of precipitation infiltrating the reclaimed areas at the proposed operation to prevent acid mine drainage or the mobilization of other constituents that may impact water resources. Based on information contained in the application, DEQ does not believe that there will any objectionable ground water discharges.

The Draft CEA addresses issues and concerns raised during public involvement and from agency scoping. The agencies have decided to approve the permit as proposed as the preliminary preferred alternative. This is not a final decision. This conclusion may change based on comments received from the public on this Draft CEA, new information, or new analysis that may be needed in preparing the Final CEA

Copies of the Draft CEA can be obtained by writing DEQ, Environmental Management Bureau, P.O. Box 200901, Helena, MT 59620, c/o Herb Rolfes, or calling (406) 444-3841; or sending email addressed to hrolfes@mt.gov. The Draft CEA will also be posted on the DEQ web page: www.deq.mt.gov/ea/mcpx. Public comments concerning the adequacy and accuracy of the Draft CEA will be accepted until January 27, 2012.

Since the Final EA may only contain public comments and responses, and a list of changes to the Draft CEA, please keep this Draft CEA for future reference.

Warren D. McCullough

Warren D. McCullough, Chief
Environmental Management Bureau

12/21/11

Date

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EXPANDED CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: Shumaker Trucking & Excavating Contractors, Inc.
LOCATION: 4.7 miles south of Fort Shaw, MT
PROPERTY OWNERSHIP: [ ] Federal [ ] State [x] Private
PROJECT: Fort Shaw Quarry
COUNTY: Cascade
OPERATING PERMIT No. 00179

TYPE AND PURPOSE OF ACTION: On May 10, 2011 Shumaker Trucking & Contractors, Inc. (Shumaker) submitted an application to the Montana Department of Environmental Quality (DEQ) for an operating permit for the Fort Shaw quarry. The quarry is currently operated under a Small Miner Exclusion Statement (SMES) but cannot stay under five acres of disturbance, and therefore an operating permit is required. The quarry is located in Section 35, Township 20 North, Range 2 West, in Cascade County, about 4.7 miles south of Fort Shaw, MT.

The quarry rock is shonkinite, a hard, dark igneous rock that is used for aggregate and riprap. Shonkinite has been used in central Montana for various road, railroad, and construction projects as a source of aggregate and rip rap.

The application is for a permit area of 79.6 acres, with 35.6 acres to be disturbed over the life of the mine, which is estimated to be about fifty years. Mining has taken place at the site for the last 18 years under a SMES. The total disturbance, including what has already been disturbed, would be about 16 acres over the next five years.

Equipment used to quarry the shonkinite would likely consist of loaders, dozers, articulated trucks, and excavators. There would also be conveyors, a portable screen/crushing plant, a pugmill, and possibly a portable asphalt plant. Removal of shonkinite would require blasting. This would be performed about twice a year by a certified blaster. Blasting products would not be stored on site.

Asphalt production would be limited from 6 am to 7 pm to minimize disturbance to neighbors. Wind in the area would minimize impacts from asphalt production odors. Work at the quarry and hauling from the site would occur during daylight hours, usually from 6 am to 7 pm, Monday through Saturday. The number and type of trucks would vary, and may require up to 100 truckloads per day during periods of peak activity.

DEQ must review the application, evaluate the potential impacts, and decide if it complies with the Montana Metal Mine Reclamation Act (MMRA) requirements, and the Administrative Rules of Montana 17.24.119.

PROPOSED ACTION: The site has been mined for the last 18 years under a SMES. The operator cannot stay under five acres of disturbance at any one time and therefore must obtain an operating permit. The operating permit would allow the quarry to continue to be worked, with total disturbance, including what has already been disturbed, of about 16 acres over the next five years and up to 35.6 acres over the life of the quarry.

The material from the quarry would be used for aggregate and rip rap. The processing plant would consist of screening and crushing equipment, and may include an asphalt plant. The on-going operations would continue as before, but under an operating permit as the site would be expanded. There would be an area set aside for screening and processing rock, a turn-around for trucks, soil and growth medium stockpiles, and product stockpiles. Water for dust control would be brought in. Storm water would be contained on site. On issuance of an operating permit a

reclamation bond would need to be posted that would cover all disturbances; past, present, and proposed.

The project would employ up to eight people at the quarry. The quarry would normally operate from Monday through Saturday, 6 am to 7 pm, on an as-needed basis.

CHECKLIST ENVIRONMENTAL ASSESSMENT

Environmental Assessment (EA) Legend:
N = Not present or No Impact will occur.
Y = Impacts may occur (explain under Potential Impacts).
NA = Not Applicable

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[N] The rock to be removed is shonkinite, a dark, igneous rock studded with blocky crystals of glossy black augite. The shonkinite intruded as blisters of magma that swelled beneath the Eagle sandstone, a formation of late Cretaceous sedimentary rock. Erosion has removed the sandstone leaving the more resistant shonkinite standing in high erosion relief. The shonkinite is non-acid producing, and is considered to be an excellent product for aggregate and rip rap. Skonkinite is a hard rock that has been used for many years in central Montana for various road, railroad, and construction projects. Soil in the area ranges from 0 to 36 inches. Soil was not salvaged in the past. In the future, soil and overburden would be salvaged from new facility and mine areas. Approximately 1,000 cubic yards could be salvaged over the next five years. The site is composed of four soil types; the Castner-Perma-Rock outcrop complex, Cheadle-Hilger complex, Binna-Evanston complex, and a minor area of Fairfield loam. The predominant soil type (covering about 75 percent of the land area and where most of the disturbance from mining would occur) is the Castner-Perma-Rock outcrop complex. The Castner soil is found on slopes of 10 to 60 percent, is well-drained, and ranges from a cobbly loam to an extremely channery loam, with a total depth of up to 16 inches. The Perma soil is found on slopes of 10 to 60 percent, is excessively drained, and ranges from a very cobbly loam to an extremely cobbly sandy loam with a total depth up to 60 inches. The Cheadle-Hilger complex covers about 16 percent of the land area. The Cheadle soil is found on slopes of 10 to 60 percent, is well-drained, and ranges from a stony loam to an extremely channery loam, with a total

IMPACTS ON THE PHYSICAL ENVIRONMENT	
	depth of up to 10 inches. The Hilger soil is found on slopes of 10 to 60 percent, is well drained, and ranges from a very stony loam to an extremely stony loam, with a total depth of up to 60 inches. The Binna-Evanston complex covers about 7 percent of the land area. The Binna soil is found on slopes of 5 to 10 percent, is well-drained, and ranges from a loam to a very gravelly loamy sand, with a total depth of up to 60 inches. The Evanston soil is found on slopes of 5 to 10 percent, is well-drained, and ranges from a clay loam to a loam, with a total depth of up to 60 inches. The Fairfield loam covers a minor area and is found on slopes of 4 to 8 percent, is well-drained, and ranges from a loam to a silty clay loam, with a total depth of up to 60 inches. The operator commits to salvaging as much overburden and soil as possible over the remaining life of the quarry. No soil was salvaged under the SMES. The operator assumes 1,000 cubic yards can be salvaged over the first five years of operation. The operator will place a minimum of 6 inches of soil/overburden over the facilities area, excepting product storage stockpiles left for the landowner.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[N] There are no surface or groundwater resources present on the site that would be disturbed. Best Management Practices (BMPs), such as small settling basins and soil berms would be used to control runoff from precipitation events. No stormwater would exit the quarry disturbance area. The nearest well is located over 1,000 feet away. There would be minimal potential for nitrate residues from blasting to reach the water table. A tanker truck would bring water to the site for road maintenance and dust control. The estimated depth of mining would be less than fifty feet below the quarry floor. The estimated high water table is greater than fifty feet below the surface of the quarry floor.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] An air quality permit for the site may be required for the asphalt plant and crushers. The asphalt plant and crusher would have their own air quality permits. Dust control would consist of spraying water during mining, screening, and hauling operations. Fugitive dust control BMPs would reduce emissions associated with traffic on access roads in the project area.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] The existing vegetation is mostly bluebunch wheatgrass and skunkbrush sumac. Some noxious weeds exist. The operator would obtain a Cascade County Weed Control Plan or commit to hiring Cascade County to conduct weed spraying. A seed mix has been provided by DEQ for revegetating the site. Fertilizer will be applied at the time of seeding at the rate of 40 pounds of nitrogen, and 40 pounds of phosphorus, per acre. There are no known rare or sensitive plant species in the proposed disturbance area.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds, or fish?	[N] Mule and whitetail deer are found in the area. The quarry has been worked for over 18 years. No impacts to terrestrial, avian, and aquatic life and habitats are expected.
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?	[N] The amendment would not cause impacts to any threatened, endangered, or sensitive species or habitats. A review by the Montana Natural Heritage Program revealed two species of special concern that exist in the area, but not within the proposed permit boundary. A golden eagle was last observed in May of 2009 and a greater short-horned lizard was last observed in May of 1985. The rock ridges offer perching areas for golden eagles. The quarry offers potential habitat (sandy/gravelly soils) for the greater short-horned lizard. These habitat types are readily available in the Fort Shaw area.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological, or paleontological resources present?	[N] A records search by the State Historic Preservation Office indicated that there are no known cultural areas of concern in the proposed permit area. As noted in the application, the operator would provide protection for archaeological and historical sites if they are discovered.
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?	[Y] The area is a historic quarry site, in a remote area, with disturbances going back to at least 1960. The area has been quarried for the last 18 years under a SMES. Disturbed areas would be regraded and seeded, although highwalls would be left. While the facility area would be visible from Birdtail Creek Road that is within about a half a mile of the proposed permit area, the actual quarry would not be visible. Product stockpiles would be left for landowner use. Highwalls would have a height of up to one hundred feet, or more. Shonkinite is a hard rock with limited potential to ravel over time. During reclamation of the site rock would be pushed against the highwalls to minimize safety risks by creating toe berms. Overburden and soil would be spread and seeded. Any remaining product stockpiles would be left for subsequent use by

IMPACTS ON THE PHYSICAL ENVIRONMENT	
	the landowner. A temporary asphalt batch plant may be set up on site for a particular contract. Asphalt production would be limited from 6 am to 7 pm to minimize disturbance to neighbors. All materials used to produce asphalt would be placed in containment areas to prevent loss of product. Wind in the area would minimize impacts from asphalt production odors through dispersion. Work at the quarry and hauling from the site would occur during daylight hours, normally from 6 am to 7 pm, Monday through Saturday, campaign style. The number and type of trucks would vary, and may require up to 100 truckloads per day during periods of peak demand. Noise would be generated as material is removed, sized, and loaded into haul trucks. The site, and all the land around it for a distance of more than one-half mile, is owned by one landowner.
9. DEMANDS 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?	[N] Water would need to be brought to the site for dust control. Stock water would be hauled by a tanker truck to the site. There are no other active mining sites nearby.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] There are no other activities in the area that would affect this project.

IMPACTS ON THE HUMAN POPULATION	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] The project would use existing roads. One comment was received after the public notice of the application for an operating permit was published which expressed concern over wear and tear on the blacktop and gravel roads in the area. Historically, up to 100 truckloads per day have travelled along Highway 200, depending on contracts. No additional impacts from what currently exist are expected with approval of this operating permit.

IMPACTS ON THE HUMAN POPULATION	
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N]
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] The current number of employees, up to eight people at the quarry site, is not expected to increase.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] The project would allow employment for a small number of people to continue. This amendment would maintain or add to tax revenue.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] The Proposed Action would not impact government services.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] The Proposed Action would not impact any wilderness or recreational areas.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require	[N] The Proposed Action would not cause impacts to the density and distribution of population and housing.

IMPACTS ON THE HUMAN POPULATION	
additional housing?	
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] Approval of the operating permit is not expected to cause impacts to social structures and mores.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] Approval of the operating permit is not expected to cause impacts to cultural uniqueness and diversity.
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[N] The Proposed Action would not impact private property use.
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	[N] The Proposed Action and Type and Purpose sections above identify the objectives of this environmental assessment.
23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.	[Y] The Proposed Action and Type and Purpose sections above identify the objectives of this environmental assessment. See item 22 above.

IMPACTS ON THE HUMAN POPULATION	
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. ALTERNATIVES CONSIDERED: NO-ACTION ALTERNATIVE (DENY THE APPLICANT'S PROPOSED ACTION): The No-Action Alternative would not allow implementation of the proposed amendment. This would mean that the quarry could not expand beyond the five acres of disturbance that is allowed under the SMES. Shumaker would have to reclaim the site to less than five acres.

26. APPROVE THE APPLICANT'S PROPOSED ACTION: The Proposed Action would allow additional disturbance over the five acre disturbed and unreclaimed limit imposed by the SMES as the quarry is expanded.

27. APPROVE THE AGENCY MODIFIED PLAN: No mitigations are proposed.

28. PUBLIC INVOLVEMENT: Legal notices of the receipt of an application for an operating permit were published in the Great Falls Tribune (May 26, June 2nd and 9th, 2011), and Helena Independent Record (May 25, June 1st and 8th, 2011) as well as a public news release. One comment was received that expressed concern over wear on the area roads. This comment is addressed under Section 11, Human Health and Safety. A public news release will be issued on the results of this EA. A legal notice concerning the application and availability of this EA will be published, and a public comment period provided.

29. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION: None.

30. MAGNITUDE AND SIGNIFICANCE OF POTENTIAL IMPACTS: There would be no significant environmental impacts associated with this proposal. As noted, there would be impacts to soil and vegetation on the disturbed acres. These acres, except the stockpile areas, would be reclaimed at closure. Indirect impacts, such as truck traffic to Highway 200 would continue.

31. CUMULATIVE EFFECTS: There are no other proposals in the area that would add to the cumulative effects from this proposal. The Savoy Quarry on the north side of Shaw Butte is operated under Operating Permit # 00077. It is currently less than five acres in size. It has been largely inactive for many years. No plans exist for expansion at this time.

RECOMMENDATION FOR FURTHER ENVIRONMENTAL ANALYSIS: The agencies have concluded that impacts from the proposed action would be minimal.

[ ] EIS [ ] More Detailed EA [X] No Further Analysis.

The DEQ has selected the Approve the Applicant's Proposed Action as the preferred alternative.

EA Checklist Prepared By:

Herb Rolfes, DEQ Operating Permits Section Supervisor

This EA was reviewed by:
Patrick Plantenberg, DEQ Reclamation Specialist
Warren McCullough, DEQ, Environmental Management Bureau, Chief

Approved By:

Warren D. McCullough — 11/21/11

Signature — Date

Warren D. McCullough, Chief, Environmental Management Bureau, DEQ

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Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-32
December 27, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov .

APPLICANT INFORMATION

APPLICANT NAME: City of Big Timber
P.O. Box 416
Big Timber, MT
59011-0416

FACILITY NAME: City of Big Timber Wastewater Treatment Facility (WWTF)

FACILITY LOCATION: Township 1N, Range 14E, Section13; NW ¼ NE ¼
Sweet grass County

RECEIVING WATER: Boulder River

PERMIT NUMBER: MT0020753

This is a reissuance of the MPDES permit for the City of Big Timber Wastewater Treatment Facility. The Big Timber Wastewater Treatment Facility is a 4-celled, aerated lagoon system that treats domestic wastewater for the City of Big Timber. The facility continuously discharges into the Boulder River via an effluent ditch. Effluent limits in this permit will be protective of beneficial uses. This permit does not authorize any new or increased discharges subject to the MT Nondegradation rules.

The permit contains existing effluent limits for BOD_5, TSS, and *E. coli*. New monitoring requirements are incorporated into the permit. Monitoring of the effluent is required at the

end of the treatment train, prior to discharge to the effluent ditch. A compliance schedule was written into the permit requiring the facility to have a functioning disinfection system and to meet new limits for ammonia, copper, lead and iron.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS **January 26, 2012**. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS **January 26, 2012** will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

PUBLIC NOTICE NO. MT-11-32
December 27, 2011

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS

Sunday, December 25, 2011

Name of Responsible Entity: Montana Department of Commerce – Housing Division

Complete Address of Responsible Entity: 301 S. Park Ave. Room 240
PO Box 200545
Helena, Montana 59620-0545

Telephone Number: 406-841-2820

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Missoula Housing Authority.

REQUEST FOR THE RELEASE OF FUNDS

On or about Tuesday, January 10, 2012 the Montana Department of Commerce (MDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) on behalf of the Missoula Housing Authority for the release of HOME Investment Partnerships (HOME) funds) under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, to undertake a project known as The Palace Apartments Rehabilitation for the purpose of rehabilitation of The Palace Apartments, so that this building can continue to safely serve the low-income population of Missoula. The Palace is a historic 60-unit apartment building located at 149 West Broadway in the heart of downtown Missoula. All 60 units are now, and will continue to be, Low Income Housing Tax Credit Unit. This $4.5 million project, utilizing $500,000 in HOME funding, will restore and remodel interior and exterior to produce a high-functioning, quality multi-family residence.

FINDING OF NO SIGNIFICANT IMPACT

The Montana Department of Commerce has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required.

Additional project information is contained in the Environmental Review Record (ERR) on file at Montana Department of Commerce, 301 S. Park Ave. Room 240, Helena, Montana 59620-0545 and the Missoula Office of Planning & Grants, 435 Ryman, Missoula, MT 59802. The ERR may be examined or copied weekdays from 8:00 A.M. to 5:00 PM at the Montana Department of Commerce Housing Division office, or from 9:30 A.M. to 4:30 P.M. at the Missoula Office of Planning & Grants offices.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Montana Department of Commerce – Housing Division. All comments received by 5:00 P.M. Monday, January 9, 2012 will be considered by the Montana Department of Commerce prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The Montana Department of Commerce certifies to the U.S. Department of Housing and Urban Development that Bruce Brensdal in his capacity as Housing Division Administrator consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The U.S. Department of Housing and Urban Development approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the Missoula Housing Authority to use HOME Program funds.

OBJECTIONS TO THE RELEASE OF FUNDS

The U.S. Department of Housing and Urban Development will accept objections to its release of funds and the Montana Department of Commerce's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are made on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Certifying Officer of the Montana Department of Commerce; (b) the Montana Department of Commerce has omitted a step or failed to make a decision or finding required by U.S. Department of Housing and Urban Development regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before the approval of a release of funds by the U.S. Department of Housing and Urban Development; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures of 24 CFR Part 58 and shall be addressed to the (U.S. Department of Housing and Urban Development, Region VIII Office, 8ADE, 1670 Broadway Street, Colorado 80202-4801. Potential objectors should contact HUD to verify the actual last day of the objection period.

Bruce Brensdal, Administrator
Housing Division, Montana Department of Commerce

PUBLIC NOTICE

US Army Corps of Engineers ®
Omaha District

Application No: NWO-2011-01063-MTH
Applicant: Montanore Minerals Corporation
Waterway: Un-named Streams and Wetlands
Issue Date: December 16, 2011
Expiration Date: February 14, 2012 **60-DAY NOTICE**

Helena Regulatory Office **10 West 15th Street, Suite 2200** **Helena, Montana 59626**

JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

The application of Montanore Minerals Corporation (MMC) for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers (Corps), Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permittable under current laws and regulations.**

Description of Proposed Project: The applicant anticipates mining up to 120 million tons of ore to recover approximately 1,000,000,000 pounds of copper and 139,000,000 ounces of silver from underground deposits in northwestern Montana. MMC requests permission to develop an underground copper and silver mine and electric power transmission line within the Kootenai National Forest (KNF). MMC has applied for a Section 404 permit to place fill material in conjunction with construction of the mine and ancillary facilities. Specifically, the underground mine's ancillary surface facilities would result in the discharges of fill material into waters of the United States. The surface access, tailings storage facility (TSF), and road improvements are examples of surface facilities that would be located outside of the Cabinet Mountain Wilderness (CMW) area within the KNF. **Drawings showing the location and extent of the project are attached to this notice.**

The applicant's Section 404 permit application is for Alternative 3, the Agency Mitigated Poorman Impoundment Alternative as described in the 2011 Supplemental Draft Environmental Impact Statement (SDEIS). The electric power transmission line alternatives, which are Alternatives C, D, and E, were revised to avoid effects on private land. The preferred electric power transmission line alternative is Alternative D-R, the Miller Creek Alternative. **The 2011 SDEIS is available for viewing at the Kootenai National Forest and the Montana Department of Environmental Quality web sites (http://www.fs.usda.gov/kootenai/ & http://deq.mt.gov/eis.mcpx#MontanoreSDEIS).**

The project would consist of mine-related components of Alternative 3, including: the existing evaluation adit (the tunnel); an underground mine; a mill; three additional Libby adits and portals; a tailings storage facility (impoundment); access roads; an electric power transmission line; and a rail load-out facility. The mine would be developed in phases: the evaluation phase (years 1-2); construction phase (years 3-5); and operational phase (years 6-24). After completion of mining and operations (year 24), a closure phase of decommissioning and reclamation would occur.

The Poorman TSF would cover 608 acres. The primary (tailings) dam would eventually be 10,300 feet long and 360 feet high at its maximum dimensions. The applicant would discharge fill material for road construction and facilities within the Poorman TSF. The mine tailings would be transported from the mill through a pipeline to the Poorman TSF located between Little Cherry and Poorman Creeks. The TSF project site is designed to hold 120

million tons of mine tailings. The Poorman TSF berm, starter dam, and saddle dam would consist of 2.7, 1.7, and 0.73 million cubic yards of fill material, respectively. When all work is completed, the primary (tailings) dam and impounded tailings will remain as permanent features.

Fill material for road improvements would be discharged to aquatic areas to construct and widen Bear Creek Road 278 and Libby Creek Road 231. Thirteen miles of Bear Creek Road to the Poorman TSF site would be upgraded and paved to 26 feet. The existing 14-foot wide Bear Creek Bridge would be replaced and widened to 26 feet. A new bridge crossing Poorman Creek would be constructed upstream of the existing crossing.

Impacts: An estimated 11,949 linear feet of jurisdictional stream channel would be impacted by fill material at the Poorman TSF. Up to 12.2 acres of wetlands would be affected, but not all wetlands are regulated under the Federal Clean Water Act. Approximately 8.8 acres of jurisdictional (i.e., Federally regulated) wetlands would be filled. About 8.6 acres occur within the footprint of the Poorman TSF and will be filled, and 0.2 acre occurs along the Bear Creek Road between the Poorman TSF and U.S. 2. The remaining 3.4 acres of wetlands are not regulated under the Federal Clean Water Act.

Several non-wetland waters of the U.S. flow to Libby Creek. Six springs associated with wetlands and other waters of the U.S. occur in the Poorman TSF, and one spring is located south of the Libby Plant Site. Wetlands occur at road crossings on both Ramsey and Poorman Creeks. Roads not associated with the Poorman TSF would affect 0.2 acre of jurisdictional wetlands. The stream crossings Ramsey, Poorman, and Bear Creeks would be bridged and would not affect wetlands or other waters of the U.S. Discharges at the Poorman TSF, Libby Plant Site, and at stream crossings would fill 3.4 acres of isolated, non-jurisdictional wetlands. Several wetlands are located south of the Poorman TSF. These wetlands would not be filled by the tailings, but are within the disturbance area and would be filled by access roads or other project facilities. Indirect effects on wetlands, springs and seeps may occur during mine dewatering. Wetlands are found adjacent to a channel below the southeast section of the dam. The channel flows off of the site, onto private property. Three intermittent channels without wetlands are found below the dam. If these wetlands and other waters of the U.S. were not filled, the pump-back well system would reduce groundwater levels in the impoundment area and probably reduce or eliminate the hydrologic support for the wetlands. Flow in the intermittent channels would be eliminated. No springs or seeps are below the Poorman TSF.

Fill discharged into wetlands and other waters of the U.S. would eliminate populations of aquatic organisms within the Poorman TSF. Construction of stream crossings for transmission line access roads would require the discharge of small amounts of fill into aquatic habitat.

Indirect impacts are predicted to be: declining water levels from the Poorman TSF pump-back wells; reduced ground and surface water flows in channel segments (other waters of the U.S.), WUS-1, WUS-5, WUS-3, and WUS-14; decreased flow in upper Libby Creek above the Libby Adit during the Evaluation through Closure Phases; increased flow in Libby Creek below the Libby Adit during all phases except the Operations Phase; reduced flow in Ramsey Creek during the Construction through early Post-Closure Phases; reduced flow in Libby Creek when the pump-back wells are operating; reduced flows in lower Poorman Creek during Operations through the Post-Closure Phases; and alteration of the watershed area of Little Cherry Creek, which would increase by 644 acres (44%). As part of the final closure plan, the applicant would complete a hydraulic and hydrologic analysis of the proposed diversion channel based on the final mine plan and submit it to the lead agencies and the Corps for approval. The average annual flow in Libby Creek between Poorman Creek and Little Cherry Creek would decrease by 3 percent as result of the diversion of runoff to Little Cherry Creek. The project would also reduce stream flow in East Fork Rock Creek and East Fork Bull River during the Evaluation through early Post-Closure Phases. When groundwater levels reached steady state conditions in approximately 1,300 years the flows in upper East Fork Rock Creek above Rock Lake would remain permanently reduced. Mitigation would reduce post-mining effects to the East Fork Rock Creek and Rock Creek, and slightly reduce flow in the East Fork Bull River. Stream flow in East Fork Rock Creek and Rock Creek below the lake would return to pre-mine conditions or increase slightly.

Cumulatively, the proposed Montanore Mine and proposed Rock Creek Mine projects occurring concurrently would cumulatively reduce flows in the Rock Creek and East Fork Bull River watersheds, resulting in habitat loss downstream of Rock Lake and St. Paul Lake, including during the bull trout spawning period. Cumulative reductions in stream flow in Libby Creek, East Fork Rock Creek, Rock Creek, and East Fork Bull River during the various mining phases would decrease the amount of available aquatic habitat, and reduced flows may have effects

on water temperature or other habitat characteristics. Upper Libby Creek below the Libby Adit would have an increase in stream flow and would increase the amount of aquatic habitat. Increased concentrations of some metals, total dissolved solids, and nutrients as a result of permitted discharges during all phases except Operations would occur in the Libby Creek drainage.

Location: The proposed project is located in a mountainous area approximately 18 miles south of the community of Libby, Montana. Access to the mine would be via U.S. 2 and Bear Creek Road 278. The proposed project is located within USGS Hydrologic Unit Code 17010101 – Upper Kootenai River watershed, in numerous Sections of Township 28 North, Range 31 West, in Lincoln County, Montana.

Purpose: The purpose of the project is to mine copper and silver.

Background: In late 1980, Noranda Minerals proposed the Montanore Mine. In 1990, the Corps issued Noranda Minerals a Section 404 permit. Noranda eventually abandoned the project and ceased work at the Libby Creek Adit site. In 2002, mining interests were conveyed to MMC. The Section 404 permit was not conveyed. The Montana Department of Environmental Quality (MT DEQ) operating permit was not terminated, and in 2004 MMC approached the KNF with their plan for development of the Montanore Mine.

The KNF and the MT DEQ are responsible for preparation of the Environmental Impact Statement (EIS). The agencies neither support nor oppose the Montanore Mine project. The public and agencies commented on the 2009 Draft Environmental Impact Statement (DEIS), and in response to comments, the agencies produced the current SDEIS. Water quality and water quantity were the main issues addressed in the SDEIS. The KNF and the MT DEQ have, as part of the SDEIS, revised the agencies' alternatives for mine development and operation.

Mitigation: Avoidance, Minimization and Compensatory Mitigation: The Montanore Mine proposal continues to be reviewed under NEPA with the Corps participating as a Cooperating Agency. In 2009, the DEIS included an alternatives analysis that identified Alternative 4, the Mitigated Little Cherry Creek Impoundment Site (the Little Cherry Creek area) as the preferred disposal site for the mine tailings. Targeting additional avoidance and minimization of impacts to wetlands and other waters of the U.S., that 2009 alternatives analysis was subsequently revised; in the recently released SDEIS, Alternative 3, the Agency Mitigated Poorman Impoundment site (the Poorman Creek area) was identified as the preferred disposal site, further avoiding and minimizing adverse impacts to aquatic areas. In terms of avoidance of aquatic impacts, under Alternative 4 about 8,000 feet of Little Cherry Creek would be directly affected by fill; by contrast Alternative 3 would not affect such a large, named stream. Alternative 4 would impact about 36 acres of Section 404 jurisdictional wetlands and other waters of the U.S., while Alternative 3 impacts would be about 9 acres. In terms of total acres impacted (aquatic and non-aquatic), Alternative 4 would impact 2,254 acres and Alternative 3 would impact 2,011 acres.

The Poorman TSF would be designed to hold waste tailings and prevent them from entering the environment. Although the design is conceptual, the design would be based on future information obtained during the design process. Because the waste would be stored in perpetuity, the TSF would need to be constructed to permanently prevent leakage into the area's ground and surface water, preclude any type of catastrophic failure, and prevent any wind-blown dust from mobilizing. Because construction and operations are occurring over a number of years, the applicant has agreed to implement an adaptive management approach to adjust and improve the mine, facilities, and further avoid and minimize impacts.

The lower Libby Plant Site was selected because it would not affect wetlands or waters of the U.S., would avoid effects to riparian areas, would consolidate the disturbances associated with the adits and plant in the Libby Creek drainage, and would allow the creation of more core grizzly bear habitat.

Impacts to wetlands and other waters of the U.S. would occur by backhoes, excavators, and front-end loaders. The applicant has agreed to implement best management practices (BMPs) to minimize erosion and sediment release in the construction areas. BMPs would include diversion ditches, berms, sift fences, sediment traps/ponds, straw bales, and interim site reclamation.

As previously stated, the electric power transmission line alternative was revised to avoid effects on private land and is currently Alternative D-R, Miller Creek.

A Section 404(b)(1) Guidelines document was prepared by the applicant and provided to the Corps and includes measures of avoidance, minimization, and compensation. The applicant has committed to implementing additional avoidance and minimization measures during final project design.

The applicant has submitted a draft conceptual compensatory mitigation plan. The mitigation plan describes on-site and off-site compensatory mitigation for impacts to jurisdictional and non-jurisdictional wetlands and jurisdictional non-wetland waters of U.S. The proposed on-site and off-site mitigation includes: establishment of wetlands; enhancement and preservation of existing ecosystems (restoration of degraded wetlands); and mitigation for impacts to non-wetland stream channels. The mitigation plan focuses on establishment of wetlands and restoration of other wetlands at four on-site areas and one off-site area. Mitigation measures are proposed to offset adverse impacts to waters of the U.S. All compensatory mitigation is proposed within HUC 17010101 (Upper Kootenai River).

The Swamp Creek site is the primary wetland compensatory mitigation project proposed by the applicant. The site consists of 67 acres along U.S. Highway 2, approximately 15 miles southeast of Libby, Montana, and 4 miles east of the proposed mine site. Wetlands and other waters of the U.S. lost as a result of the project occur at the Poorman TSF, Libby Adit sites, Bear Creek Road, and road segments to the Libby Plant and Libby Adit sites.

Twelve stream enhancement or restoration projects and riparian planting along seven streams or channels are proposed as compensatory mitigation to replace the biogeochemical functions of the channels that would be impacted by the Poorman TSF. They include creating a channel from the reclaimed Poorman TSF to Little Cherry Creek, increase flow in Little Cherry Creek, reconfigure the Poorman TSF channel remnants, evaluate potential for habitat restoration or enhancement in Poorman Creek, replace culvert where Road 278 crosses Poorman Creek, remove bridge where Road 6212 crosses Poorman Creek, replace culvert where Road 6212 and Road 278 crosses Little Cherry Creek, stabilize Little Cherry Creek sediment sources, construct formidable wood structures in the Libby Creek floodplain, identify the source of elevated fish tissue metal concentrations in Bear Creek, install head-Gates in tributary channels to Swamp Creek, exclude livestock from the Swamp Creek property, plant riparian vegetation where beneficial along streams and channels in the project area, and include the Swamp Creek Site.

401 Water Quality Certification: The MT DEQ will review the proposed project for State water quality certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the project undertaken will not result in a violation of applicable water quality standards. Although water quality certification is a prerequisite for issuance of a permit, certification alone does not guarantee a Department of Army permit will be issued for the project under Section 404. A Section 404 permit will not be issued until water quality certification has been issued or waived by the MT DEQ. The MT DEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, will comply with the National Historic Preservation Act of 1966, as amended. We will evaluate input by Indian Tribes, the Montana State Historic Preservation Officer, and any interested parties in response to this public notice. The initial determination is that the project would not affect properties listed, or eligible for listing, on the National Register of Historic Places.

Threatened / Endangered Species: In compliance with the Endangered Species Act, the proposed project is being reviewed for impacts to federally listed threatened or endangered species and their critical habitat. The Kootenai National Forest has determined that the project may affect, and is likely to adversely affect, grizzly bears; may affect, and is likely to adversely affect Canada lynx; may affect, and is likely to adversely affect bull trout; and may affect, and is likely to adversely affect designated bull trout critical habitat. Endangered Species Act compliance would be through Section 7 consultation. The Kootenai National Forest submitted a biological assessment to the U.S. Fish and Wildlife Service that describes the potential effect on threatened and endangered species. After review of the biological assessment and consultation, the U.S. Fish and Wildlife Service will issue a biological opinion. That biological opinion has not been completed at the time of issuance of this Public Notice.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the Guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the District Engineer to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. **The request must be submitted in writing to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705**. If it is decided that additional information is required and that a public hearing will be held, interested parties will be notified of the date, time, and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. **All replies to the public notice should be addressed to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705.** Please reference Application Number NWO-2011-01063-MTH in all correspondence or inquiries. Mr. James L. Winters may be contacted for additional information, and can be reached by phone at (701) 220-6152 or (701) 250-4280, or by e-mail at montanore@usace.army.mil .

How to Provide Comments: Anyone whose interests may be affected by the proposal is invited to submit written comments to the U.S. Army Corps of Engineers, Omaha District, Helena Regulatory Office. Comments, both favorable and unfavorable, will be made a part of the record and will receive full consideration in subsequent actions on this application. Comments must be submitted in writing on or before the date on the front of this notice to be considered in subsequent actions on this application, or postmarked on or before the closing date. Comments may be submitted by mail to 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705; by e-mail to montanore@usace.army.mil ; or by fax to (406) 441-1380. Comments postmarked after the expiration date of this public notice, or received by fax or e-mail after the closing date, will not be considered. Comments left on voicemail system will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

Attachments: Location map; project impact maps; typical plan drawings; representative photographs of affected aquatic resources.

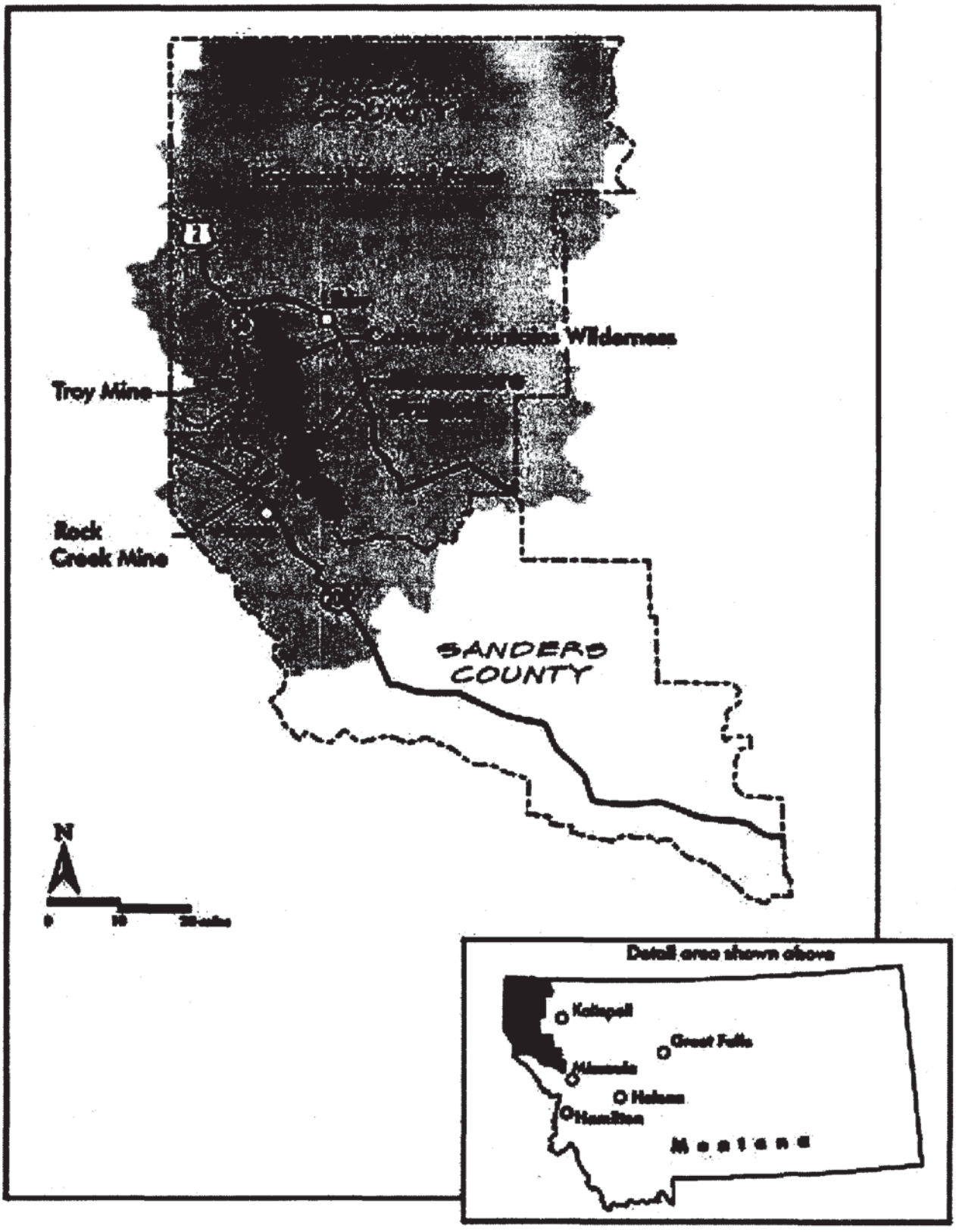


Figure 1. Location Map, Montanore Project, Kootenai National Forest.

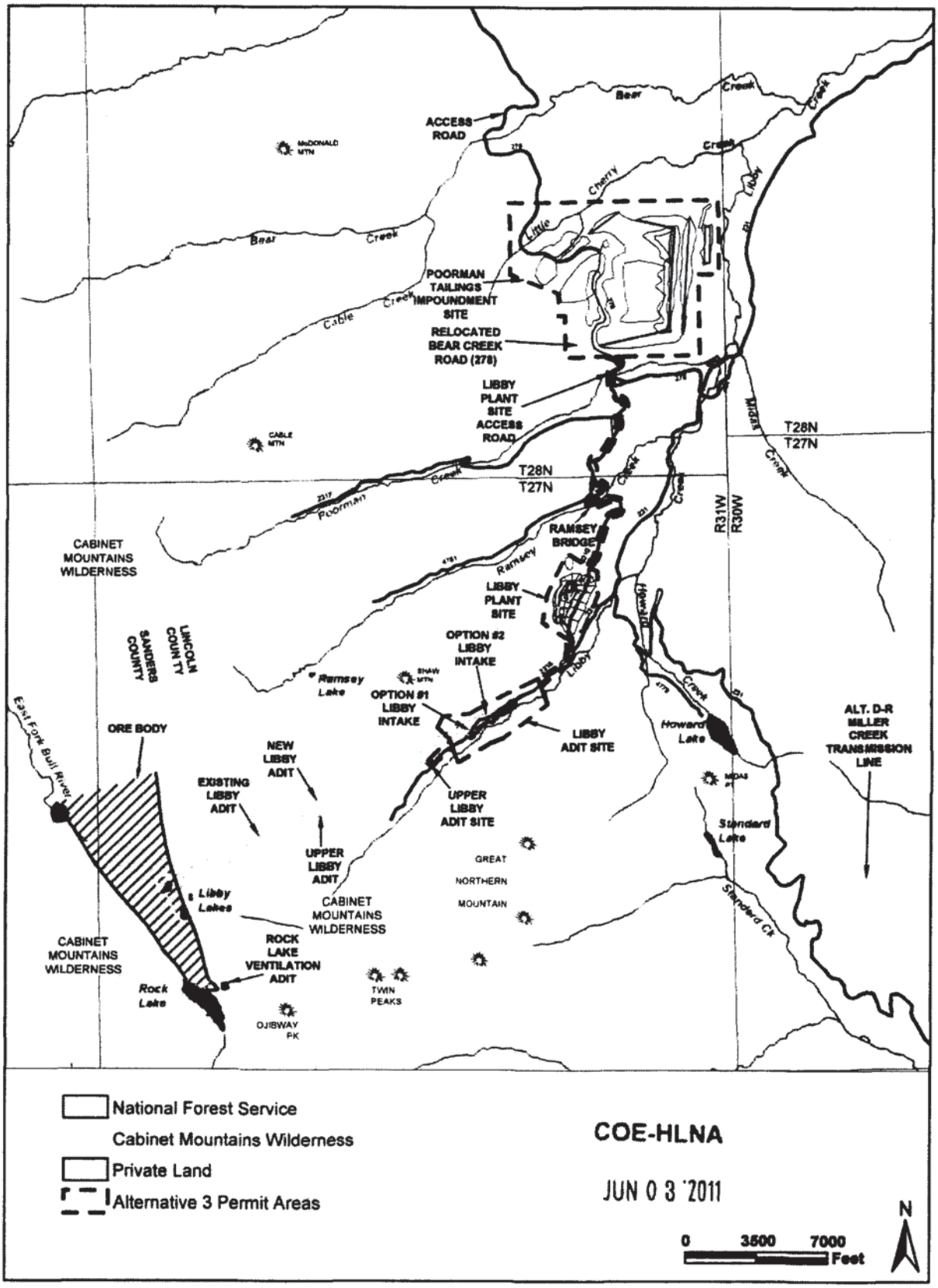
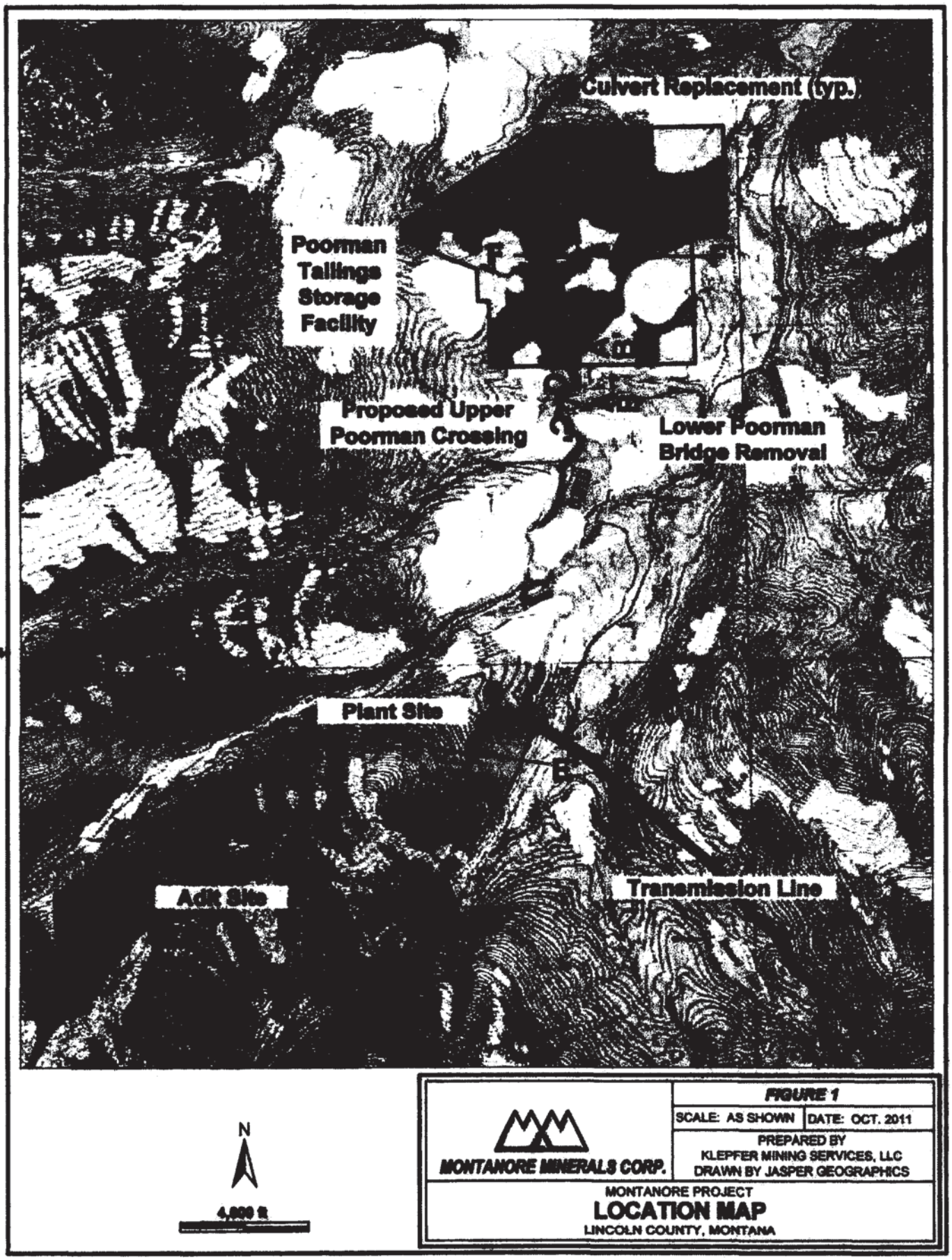


Figure 1. Mine Facilities and Permit Areas, Alternative 3


Culvert Replacement (typ.)
Poorman Tailings Storage Facility
Proposed Upper Poorman Crossing
Lower Poorman Bridge Removal
Plant Site
Transmission Line
N
4,000 ft
MONTANORE MINERALS CORP.
FIGURE 1
SCALE: AS SHOWN
DATE: OCT. 2011
PREPARED BY
KLEPFER MINING SERVICES, LLC
DRAWN BY JASPER GEOGRAPHICS
MONTANORE PROJECT
LOCATION MAP
LINCOLN COUNTY, MONTANA

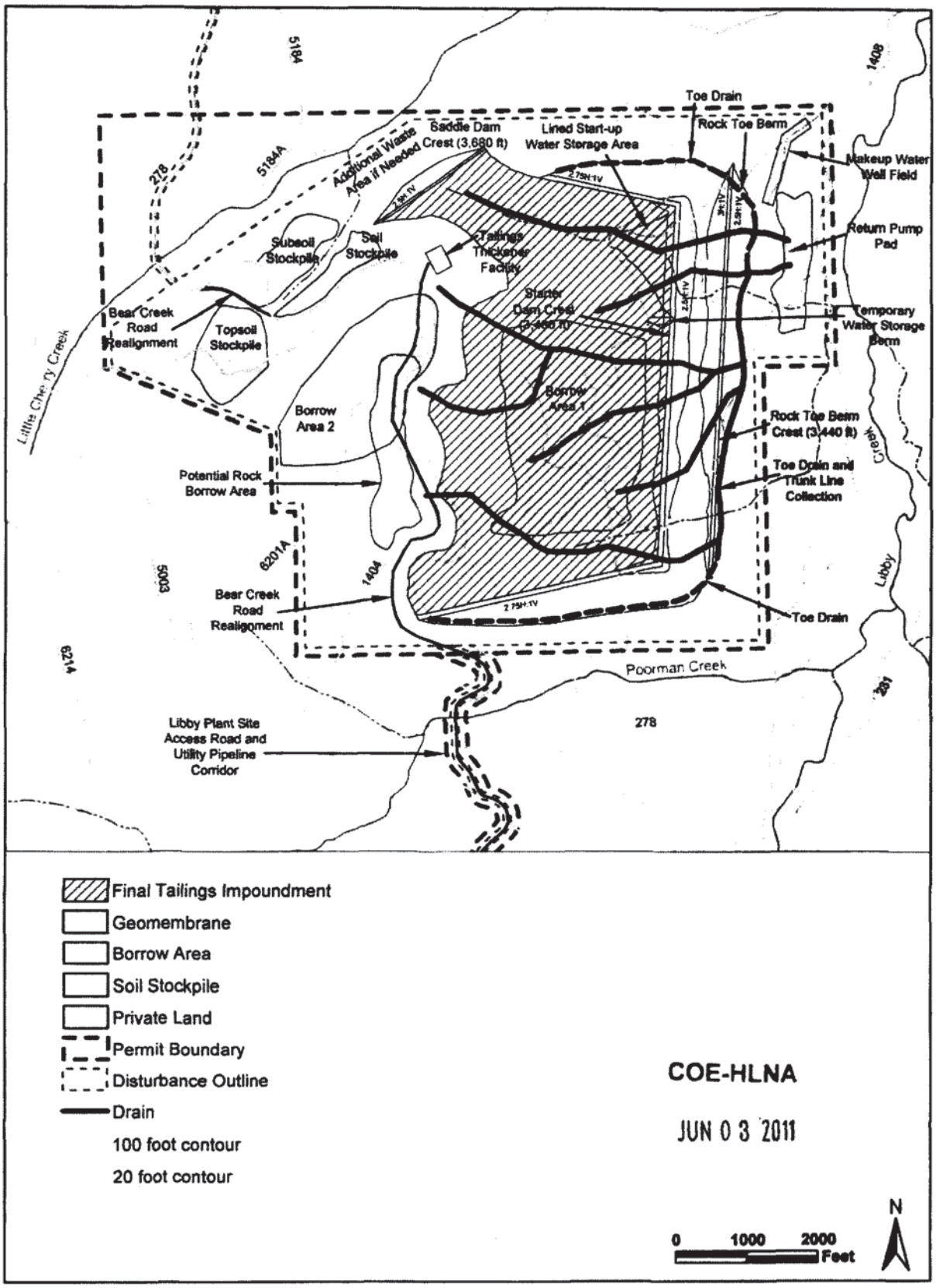
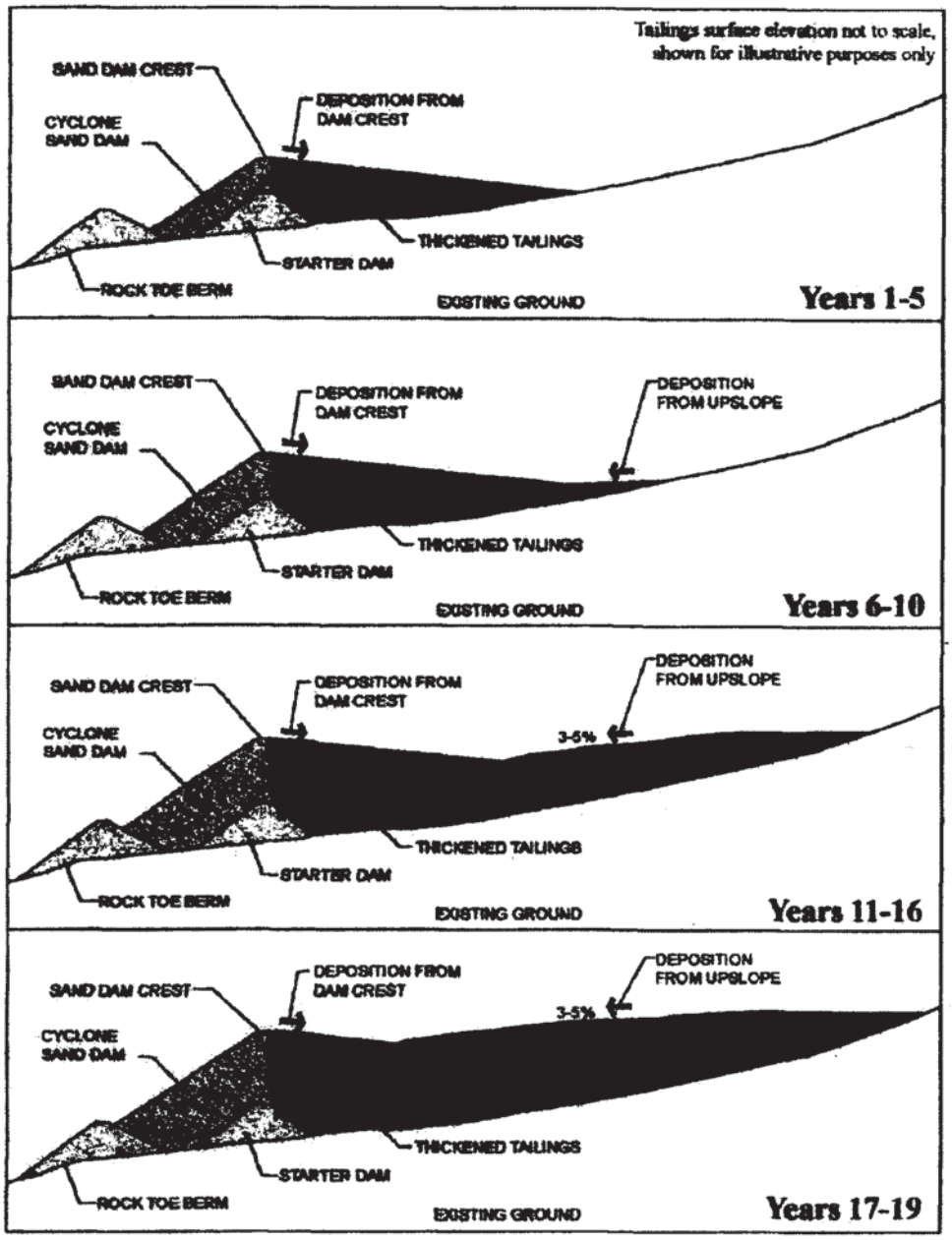


Figure 2. Poorman Tailings Impoundment, Alternative 3

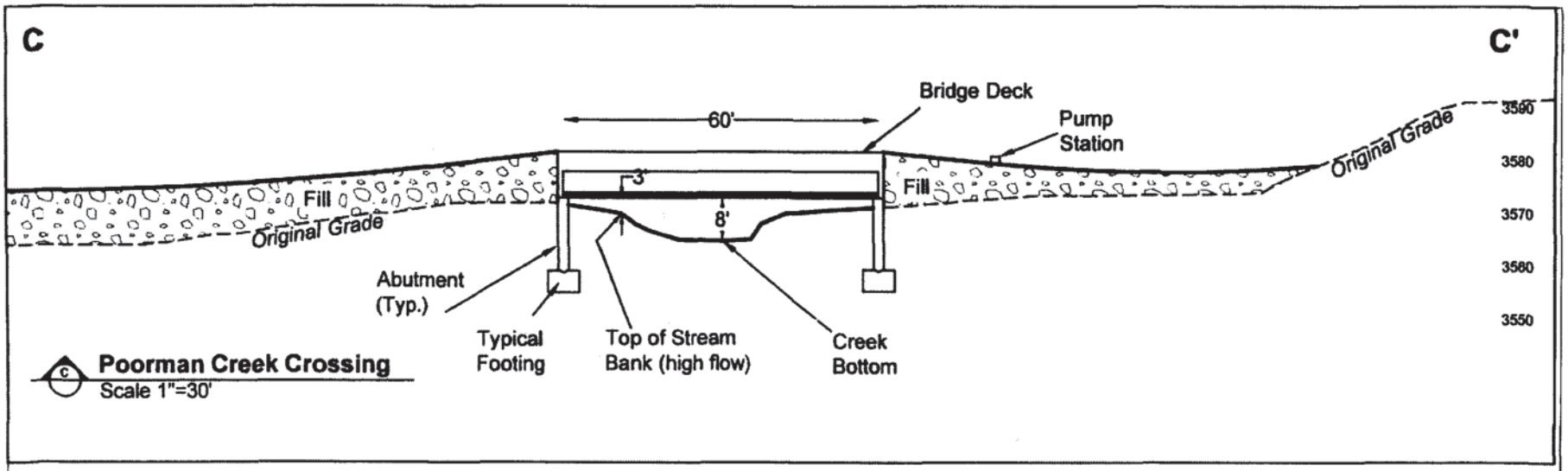
Tailings Deposition Over Time
Alternative 3

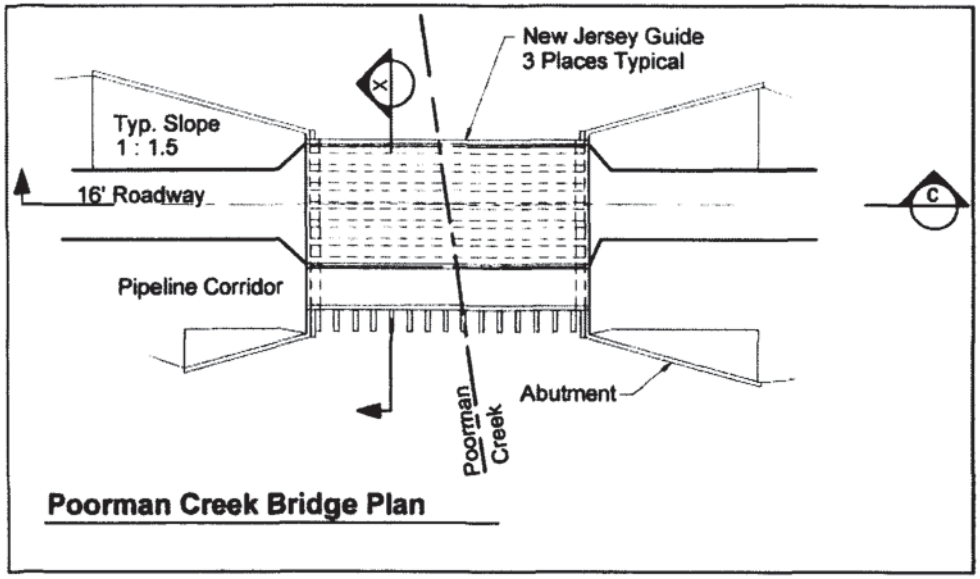
F F'

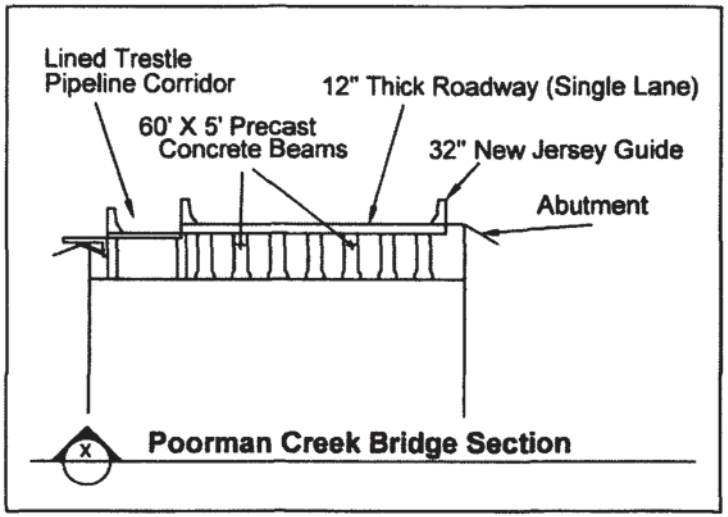


Modified after Figure 29, Draft EIS

MONTANORE MINERALS CORP.	FIGURE 11
	SCALE: AS SHOWN | DATE: OCT. 2011
	PREPARED BY KLEPFER MINING SERVICES, LLC DRAWN BY JASPER GEOGRAPHICS
MONTANORE PROJECT	CROSS-SECTION F-F' LINCOLN COUNTY, MONTANA







MONTANORE MINERALS CORP.

FIGURE 9

SCALE: AS SHOWN | DATE: OCT. 2011

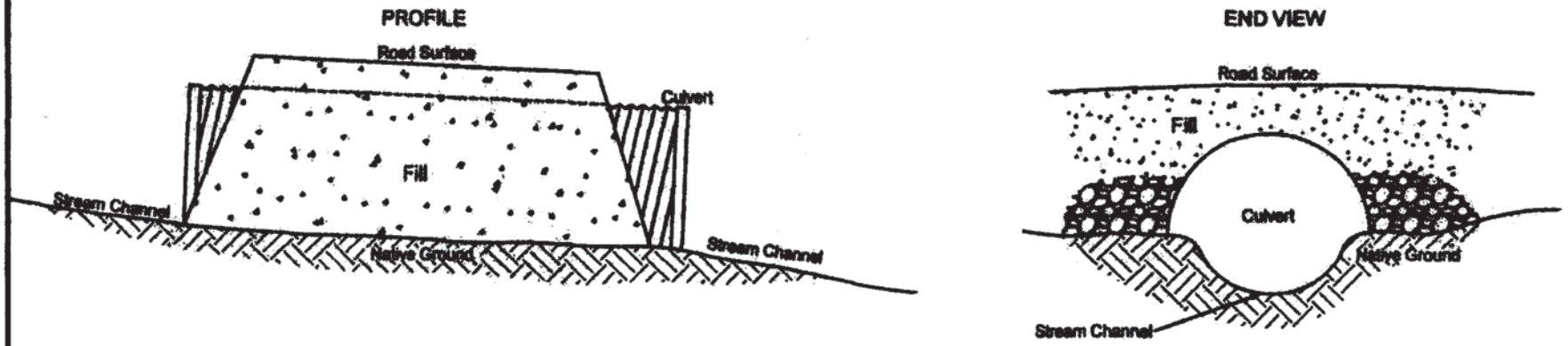
PREPARED BY
KLEPFER MINING SERVICES, LLC
DRAWN BY JASPER GEOGRAPHICS

MONTANORE PROJECT

TEMPORARY BRIDGE PLAN & SECTION

LINCOLN COUNTY, MONTANA

Culvert Replacement with Arched Culverts



Design Criteria

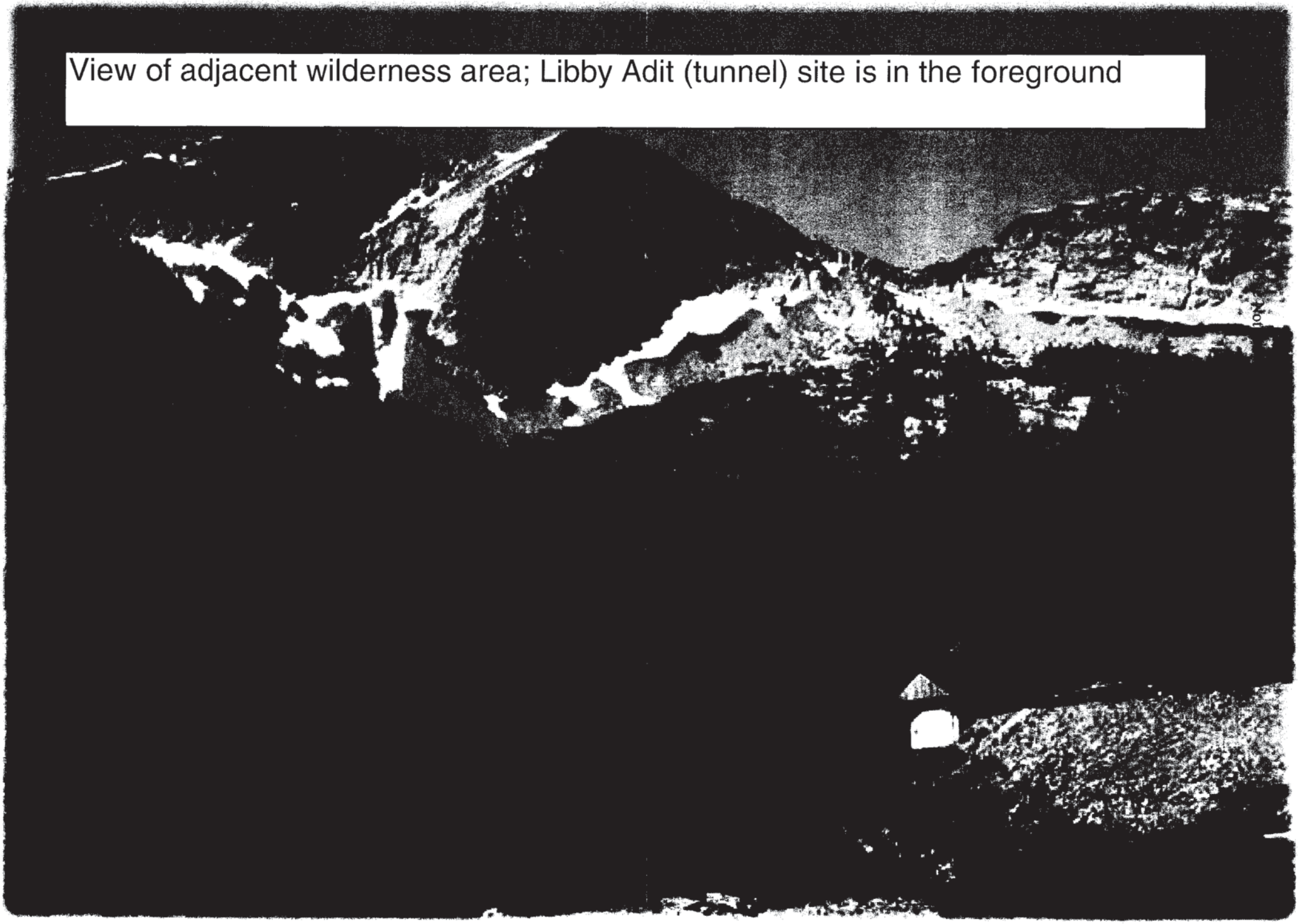
1) Improve or create stream bed habitat (substrate)
2) Size culvert for flows and debris
3) Maintain proper stream depth for fish passage
4) Eliminate plunge situations

MONTANORE MINERALS CORP.	*FIGURE 7*
	SCALE: AS SHOWN | DATE: OCT. 2011
	PREPARED BY KLEPFER MINING SERVICES, LLC DRAWN BY JASPER GEOGRAPHICS

MONTANORE PROJECT

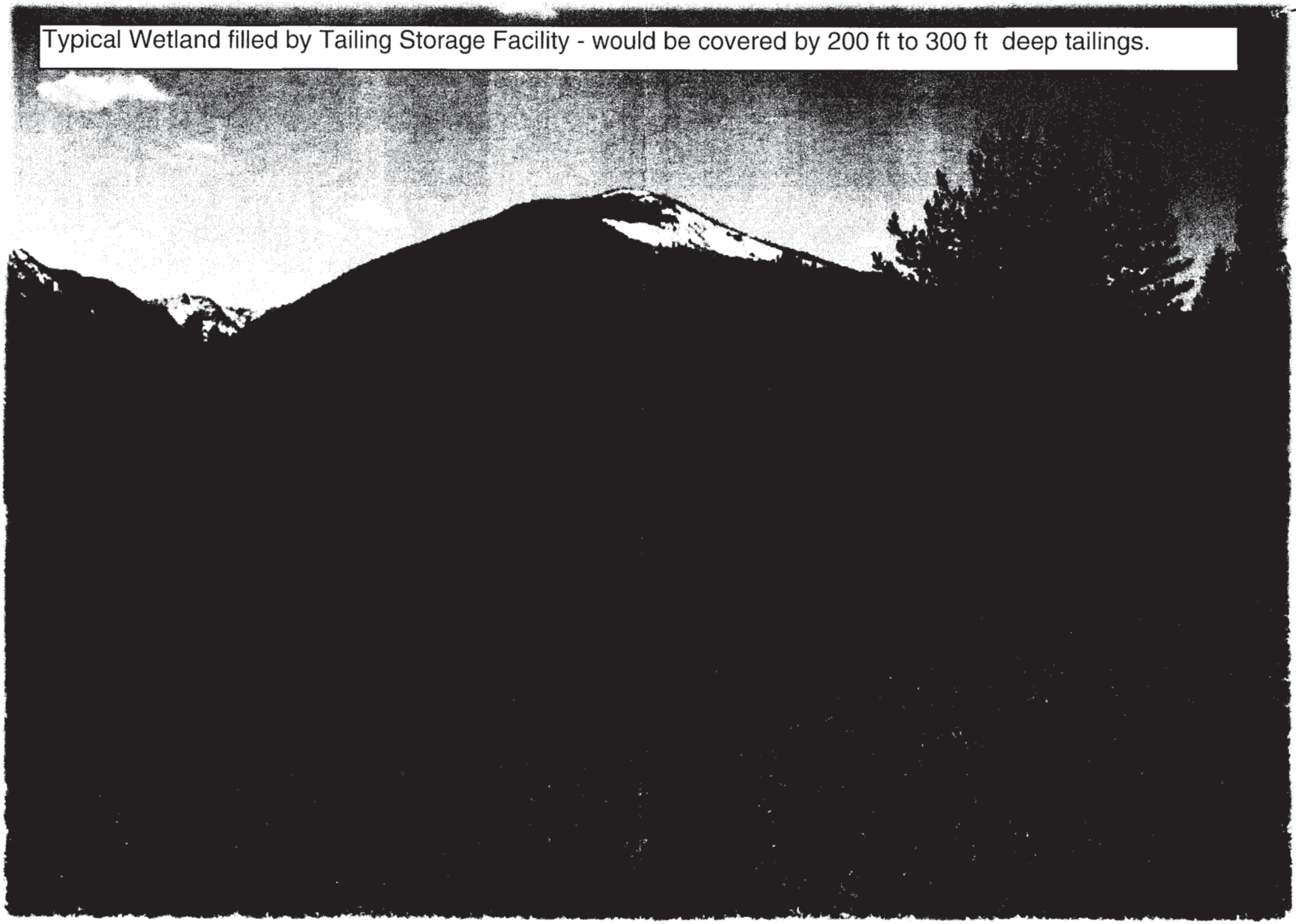
TYPICAL CULVERT REPLACEMENT

LINCOLN COUNTY, MONTANA



View of adjacent wilderness area; Libby Adit (tunnel) site is in the foreground

Typical stream channel area - will be covered by Tailing Storage Facility



Typical Wetland filled by Tailing Storage Facility - would be covered by 200 ft to 300 ft deep tailings.

PUBLIC NOTICE

US Army Corps of Engineers ®
Omaha District

Application No: NWO-2011-01063-MTH
Applicant: Montanore Minerals Corporation
Waterway: Un-named Streams and Wetlands
Issue Date: December 16, 2011
Expiration Date: February 14, 2012 **60-DAY NOTICE**

Helena Regulatory Office **10 West 15th Street, Suite 2200** **Helena, Montana 59626**

JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

The application of Montanore Minerals Corporation (MMC) for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers (Corps), Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permittable under current laws and regulations.**

Description of Proposed Project: The applicant anticipates mining up to 120 million tons of ore to recover approximately 1,000,000,000 pounds of copper and 139,000,000 ounces of silver from underground deposits in northwestern Montana. MMC requests permission to develop an underground copper and silver mine and electric power transmission line within the Kootenai National Forest (KNF). MMC has applied for a Section 404 permit to place fill material in conjunction with construction of the mine and ancillary facilities. Specifically, the underground mine's ancillary surface facilities would result in the discharges of fill material into waters of the United States. The surface access, tailings storage facility (TSF), and road improvements are examples of surface facilities that would be located outside of the Cabinet Mountain Wilderness (CMW) area within the KNF. **Drawings showing the location and extent of the project are attached to this notice.**

The applicant's Section 404 permit application is for Alternative 3, the Agency Mitigated Poorman Impoundment Alternative as described in the 2011 Supplemental Draft Environmental Impact Statement (SDEIS). The electric power transmission line alternatives, which are Alternatives C, D, and E, were revised to avoid effects on private land. The preferred electric power transmission line alternative is Alternative D-R, the Miller Creek Alternative. **The 2011 SDEIS is available for viewing at the Kootenai National Forest and the Montana Department of Environmental Quality web sites (http://www.fs.usda.gov/kootenai/ & http://deq.mt.gov/eis.mcpx#MontanoreSDEIS).**

The project would consist of mine-related components of Alternative 3, including: the existing evaluation adit (the tunnel); an underground mine; a mill; three additional Libby adits and portals; a tailings storage facility (impoundment); access roads; an electric power transmission line; and a rail load-out facility. The mine would be developed in phases: the evaluation phase (years 1-2); construction phase (years 3-5); and operational phase (years 6-24). After completion of mining and operations (year 24), a closure phase of decommissioning and reclamation would occur.

The Poorman TSF would cover 608 acres. The primary (tailings) dam would eventually be 10,300 feet long and 360 feet high at its maximum dimensions. The applicant would discharge fill material for road construction and facilities within the Poorman TSF. The mine tailings would be transported from the mill through a pipeline to the Poorman TSF located between Little Cherry and Poorman Creeks. The TSF project site is designed to hold 120

million tons of mine tailings. The Poorman TSF berm, starter dam, and saddle dam would consist of 2.7, 1.7, and 0.73 million cubic yards of fill material, respectively. When all work is completed, the primary (tailings) dam and impounded tailings will remain as permanent features.

Fill material for road improvements would be discharged to aquatic areas to construct and widen Bear Creek Road 278 and Libby Creek Road 231. Thirteen miles of Bear Creek Road to the Poorman TSF site would be upgraded and paved to 26 feet. The existing 14-foot wide Bear Creek Bridge would be replaced and widened to 26 feet. A new bridge crossing Poorman Creek would be constructed upstream of the existing crossing.

Impacts: An estimated 11,949 linear feet of jurisdictional stream channel would be impacted by fill material at the Poorman TSF. Up to 12.2 acres of wetlands would be affected, but not all wetlands are regulated under the Federal Clean Water Act. Approximately 8.8 acres of jurisdictional (i.e., Federally regulated) wetlands would be filled. About 8.6 acres occur within the footprint of the Poorman TSF and will be filled, and 0.2 acre occurs along the Bear Creek Road between the Poorman TSF and U.S. 2. The remaining 3.4 acres of wetlands are not regulated under the Federal Clean Water Act.

Several non-wetland waters of the U.S. flow to Libby Creek. Six springs associated with wetlands and other waters of the U.S. occur in the Poorman TSF, and one spring is located south of the Libby Plant Site. Wetlands occur at road crossings on both Ramsey and Poorman Creeks. Roads not associated with the Poorman TSF would affect 0.2 acre of jurisdictional wetlands. The stream crossings Ramsey, Poorman, and Bear Creeks would be bridged and would not affect wetlands or other waters of the U.S. Discharges at the Poorman TSF, Libby Plant Site, and at stream crossings would fill 3.4 acres of isolated, non-jurisdictional wetlands. Several wetlands are located south of the Poorman TSF. These wetlands would not be filled by the tailings, but are within the disturbance area and would be filled by access roads or other project facilities. Indirect effects on wetlands, springs and seeps may occur during mine dewatering. Wetlands are found adjacent to a channel below the southeast section of the dam. The channel flows off of the site, onto private property. Three intermittent channels without wetlands are found below the dam. If these wetlands and other waters of the U.S. were not filled, the pump-back well system would reduce groundwater levels in the impoundment area and probably reduce or eliminate the hydrologic support for the wetlands. Flow in the intermittent channels would be eliminated. No springs or seeps are below the Poorman TSF.

Fill discharged into wetlands and other waters of the U.S. would eliminate populations of aquatic organisms within the Poorman TSF. Construction of stream crossings for transmission line access roads would require the discharge of small amounts of fill into aquatic habitat.

Indirect impacts are predicted to be: declining water levels from the Poorman TSF pump-back wells; reduced ground and surface water flows in channel segments (other waters of the U.S.), WUS-1, WUS-5, WUS-3, and WUS-14; decreased flow in upper Libby Creek above the Libby Adit during the Evaluation through Closure Phases; increased flow in Libby Creek below the Libby Adit during all phases except the Operations Phase; reduced flow in Ramsey Creek during the Construction through early Post-Closure Phases; reduced flow in Libby Creek when the pump-back wells are operating; reduced flows in lower Poorman Creek during Operations through the Post-Closure Phases; and alteration of the watershed area of Little Cherry Creek, which would increase by 644 acres (44%). As part of the final closure plan, the applicant would complete a hydraulic and hydrologic analysis of the proposed diversion channel based on the final mine plan and submit it to the lead agencies and the Corps for approval. The average annual flow in Libby Creek between Poorman Creek and Little Cherry Creek would decrease by 3 percent as result of the diversion of runoff to Little Cherry Creek. The project would also reduce stream flow in East Fork Rock Creek and East Fork Bull River during the Evaluation through early Post-Closure Phases. When groundwater levels reached steady state conditions in approximately 1,300 years the flows in upper East Fork Rock Creek above Rock Lake would remain permanently reduced. Mitigation would reduce post-mining effects to the East Fork Rock Creek and Rock Creek, and slightly reduce flow in the East Fork Bull River. Stream flow in East Fork Rock Creek and Rock Creek below the lake would return to pre-mine conditions or increase slightly.

Cumulatively, the proposed Montanore Mine and proposed Rock Creek Mine projects occurring concurrently would cumulatively reduce flows in the Rock Creek and East Fork Bull River watersheds, resulting in habitat loss downstream of Rock Lake and St. Paul Lake, including during the bull trout spawning period. Cumulative reductions in stream flow in Libby Creek, East Fork Rock Creek, Rock Creek, and East Fork Bull River during the various mining phases would decrease the amount of available aquatic habitat, and reduced flows may have effects