

ENVIRONMENTAL ASSESSMENT

On an Application for an
OPENCUT MINING PERMIT AMENDMENT

The Montana Department of Environmental Quality (DEQ) prepared this Environmental Assessment (EA) in accordance with requirements of the Montana Environmental Policy Act (MEPA). An EA functions to identify, disclose, and analyze the impacts of a proposed action. This document may disclose impacts that have no legislatively required mitigation measures, or over which there is no regulatory authority.

The state law that regulates gravel mining operations in Montana is the Opencut Mining Act. This law and the rules adopted thereunder place operational guidance and limitations on a project during its lifetime, and provide for the reclamation of land affected by opencut mining operations.

Local governments and other state agencies may have authority over different resources and activities under their regulations. Approval or denial of this Opencut Application will be based on a determination of whether or not the proposed operation complies with the Opencut Mining Act and the rules adopted thereunder. The DEQ approval of this application would not relieve the operator from the obligation to comply with any other applicable federal, state, or county statutes, regulations, or ordinances. The operator is responsible for obtaining any other permits, licenses, approvals, etc. that are required for any part of the proposed operation.

APPLICANT: Pondera County

SITE NAME: Kellogg

LOCATION: Section 24, T28N, R5W

COUNTY: Pondera

DATE: March 2012

PROPOSAL: The proponent has submitted an application to amend its permit to revise its Plan of Operations, to add 9 acres to the 3-acre permit for the purpose of expanding the mine area and to extend the final date of reclamation until May 2014. All mining and reclamation work would be completed in 2012 to allow two growing seasons for grasses to become established before May 2014. The mine site is located adjacent to Coalmine Road at the intersection with Sandroek Road, 11 miles west of Conrad, Montana (See [FIGURE 1 – AREA MAP](#)). The 9-acre proposed amendment area is an addition directly adjacent and to the existing permitted area and has already been mined. This application contains all items required by the Opencut Mining Act and its implementing rules. Proponent commits to properly conducting opencut operations and would be legally bound by the permit.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:	This site is a fairly flat to rolling bench scattered with glacial debris layered onto the sedimentary sandstone formations of the Cretaceous Montana Group, 11 miles west of Conrad (See FIGURE 2 – SITE MAP). The material is most likely Quaternary alluvium deposited by continental glacial activity. Soils generally average 6 inches deep. <i>Impacts:</i> Mining this area will result in irreversible and irretrievable removal of aggregate material from the site and will create a small impact to the quantity and quality of soils from salvaging, stockpiling, and re-soiling activities, but this would not impair the capacity of the soils to support full reclamation. There are no unusual topographic, geologic, soils or special reclamation considerations that would prevent successful reclamation.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
2. WATER QUALITY, QUANTITY AND DISTRIBUTION	There is no surface water near this site. No fuel will be stored at this site. Groundwater is greater than 160 feet from the surface and will not be impacted by this activity.
3. AIR QUALITY	<p>Air quality standards are based upon the Clean Air Act of Montana and pursuant rules and are administered by the DEQ Air Resources Management Bureau (ARMB). Its program is approved by the Environmental Protection Agency (EPA). These rules and standards are designed to be protective of human health and the environment.</p> <p>Air quality permits would be required on the processing equipment before installation. Machinery, such as generators, crushers and asphalt plants, are individually permitted for allowable emissions. Best Available Control Technology (BACT) is the usual standard applied.</p> <p>Fugitive dust is that which blows off the pit floor, stockpiles, gravel roads, farm fields, etc. It is considered to be a nuisance but not harmful to health.</p> <p><i>Impacts:</i> Air quality standards as set by the federal government and enforced by the ARMB would allow minimal detrimental air impacts.</p>
4. VEGETATION COVER, QUANTITY AND QUALITY	The general area on this flat-topped terrace is grass land with wheat crops and CRP surrounding the site. During soil stripping operations, all vegetation was removed. Some vegetative seed remains viable in the soil and could assist in regeneration of those species when soils are replaced. The applicant will re-seed the area to species compatible with the post-mine land use of grassland.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:	<p>Since the site is primarily grassland, it supports populations of deer, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. Population numbers for these species are not known.</p> <p><i>Impacts:</i> The proposed mine is expected to temporarily displace some individual species and it is likely that the site would be re-inhabited following reclamation to grassland.</p>
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:	<p>The Montana Natural Heritage Program has indicated that there are two species of concern; the Ferruginous Hawk and the Burrowing Owl.</p> <p><i>Impacts:</i> These species have not been found on this site. Even if suitable habitat did exist at this specific location, the mining disturbance area would be small and large areas of similar or identical habitat surround the site. The possible impact to these species would be minimal.</p>
7. HISTORICAL AND ARCHAEOLOGICAL SITES	<p>The Montana State Historic Preservation Office (SHPO) has not identified any sites that have been previously discovered on this property. A walkover of the area by DEQ personnel did not reveal any artifacts or signs of occupation. No signs were evident at depth in the previously disturbed area.</p> <p><i>Impacts:</i> If during operations, resources were to be discovered, activities would be temporarily moved to another area or halted until SHPO was contacted and the importance of the resources was determined.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY	Energy in the form of diesel fuel for dozers, loaders and trucks would be consumed while this site is operated and material is hauled to various projects. Water in minimal amounts will be utilized as necessary for dust control.

IMPACTS ON THE HUMAN POPULATION

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS	A Zoning Form was signed by the County Commissioners in October 2011.
10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	None of these resources will be affected.
11. AESTHETICS	<p>This site is highly visible from Coalmine and Sandrock Roads. The site is adjacent to both county roads. Mining has already been completed and reclamation will progress this season. Other than reclamation work that is being done, little activity will be noticeable to the general public. Hours of operation will be 7:00 a.m. to 7:00 p.m., Monday through Friday, usually April through November. The reclamation plan will ensure that the site will become visually acceptable.</p> <p><i>Impacts:</i> There would be no further mining or crushing, but hauling and reclamation activity would continue at this site during normal work hours in the summer. These impacts would be minimal.</p>
12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT	<i>Impacts:</i> No impact on employment; the same crews will be utilized for all operations.
13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION	<p>This industrial site has been depleted and reclamation is now scheduled to begin.</p> <p><i>Impacts:</i> This site was taken out of grass land during the project and will be returned to productive grassland within two years of project completion.</p>
14. LOCAL, STATE TAX BASE AND TAX REVENUES, PERSONAL AND COMMUNITY INCOME	Local, state and federal governments would be responsible for appraising the property, setting tax rates, collecting taxes, etc. from the companies, employees, or landowners benefitting from this operation.
15. DEMAND FOR GOVERNMENT SERVICES	Minimal oversight from DEQ, MDT, MSHA, and OSHA.
16. HUMAN HEALTH AND SAFETY	Industrial activities are inherently more dangerous than non-use of an area. The OSHA and MSHA regulations provide specific regulation and oversight to ensure safety is paramount.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES	This site is not used to access any recreational or wilderness resources.
18. NATIVE CULTURAL CONCERNS	<i>Impacts:</i> None identified.

19. Alternatives Considered:

- A. Denial Alternative: The Department would deny an application that does not comply with the Act and Rules. No impacts to the natural or human environment would occur.
- B. Approval Alternative: The Department would approve an application that complies with the Act and Rules. Impacts of this application are addressed in the body of the EA.

20. Public Involvement, Agencies, Groups or Individuals contacted: Montana State Historic Preservation Office, Montana Natural Heritage Program, local planning department and Pondera County Weed District.

21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction: Required: Pondera County Planning Department (zoning clearance), Pondera County Weed Control Board, MSHA and OSHA regarding mine safety.

22. Regulatory Impact on Private Property: The analysis done in response to the Private Property Assessment Act indicates no impact. The Department does not plan to deny the application or impose conditions that would restrict the use of private property so as to constitute a taking.

23. Magnitude and Significance of Potential Impacts: Insignificant as proposed because of restrictions and oversight mandated by the Opencut Mining Act and the Montana Air Quality Act.

24. Recommendation for Further Environmental Analysis: [] EIS [X] No Further Analysis

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Name Title

EA Reviewed By: Chris Cronin Supervisor, Opencut Mining Program
Name Title

FIGURE 1 – AREA MAP



Google earth

feet 2000
meters 600



John Stokes
12-27-11

AREA MAP

Pondera County Road Department
Kellogg Permit #155
S24, T28N, R5W
12 Acre Permit Area
Drafted By: John Stokes 10/31/2011
Pondera County
Imagery Date 6/22/2009

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FIGURE 2 – SITE MAP



Google earth

feet 900
meters 200



SITE MAP

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PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically viable uses of the property?
	X	4. Does the action deny a fundamental attribute of ownership?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 5a and 5b and continue with question 6.)
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property?
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? (If the answer is NO, skip questions 7a-7c)
		7a. Is the impact of government action direct, peculiar, and significant?
		7b. Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
		7c. Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.