



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

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June 23, 2006

COPY

Dear Reader:

Enclosed for your review and comment is the **Draft Checklist Environmental Assessment (CEA)** for an operating permit requested by **Bozeman Brick, Block and Tile (BBB&T)** of Bozeman, MT on April 19, 2006. BBB&T applied for an operating permit for rock picking and sandstone removal from 27 separate sites located in portions of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25 and 26, Township 7 North, Range 16 East, portions of Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 7 North, Range 17 East, portions of Section 35, Township 7 North, Range 15 East, portions of Section 22, Township 7 North, Range 16 East and portions of Section 32, Township 9 North, Range 14 East, about seven to thirteen miles south and southeast of Harlowton, MT. This Draft CEA evaluates the potential impacts from these operations. The Montana Department of Environmental Quality (DEQ) must decide whether to approve the permit as proposed, deny the request for an operating permit, or approve the operating permit with modifications.

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. Public comments concerning the adequacy and accuracy of the Draft CEA will be accepted for 30 days, until July 26, 2006.

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

6/23/06

Date

DRAFT CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: Bozeman Construction Company dba Bozeman Brick, Block and Tile, 1110 N. Rouse, Bozeman, MT 59715

PROJECT: Removing landscaping and masonry stone up to twenty feet in depth.

PERMIT OR LICENSE: Operating Permit Application

LOCATION: The proposed rock collecting sites would be southeast of Harlowton, and between Harlowton and Shawmut, MT. (See Figure 1)

COUNTY: Wheatland

PROPERTY OWNERSHIP: [] Federal [] State [X] Private

TYPE AND PURPOSE OF ACTION: Bozeman Brick, Block and Tile (BBB&T) would remove lichen covered ledge rock and boulders for landscaping and masonry use . Most of this work would be performed through the use of hand tools, skidders and loaders. Pick-up trucks would be used to haul stone to a designated landing on each site where the rock would be placed on pallets. Ground disturbance would normally be less than two feet in depth. On one site (Delgarno property, Site DG 1 and 2 – Section 32, T9N, R14E) the company would use an excavator to dig sandstone, disturbing an area of about 400 feet by 800 feet to a depth of about 20 feet.

Soil would be salvaged to a depth of six inches from the facility areas including the rock stockpiles, processing and staging areas. Soil would be salvaged at least ten feet ahead of rock collecting and those areas used for waste rock disposal. The stone would then be removed.

Soil and overburden would be handled separately and placed on regraded areas or stockpiled. Soil stockpiles that would remain for more than one year would be shaped and seeded. On areas where reclamation would not require a soil cover, the soil would be retained on site in an accessible location until the alternate reclamation area is ready to be reclaimed.

Existing ranch roads would be used, eliminating the need to construct new ones.

Water is not used in the process. The operator would take appropriate measures to ensure protection of surface and groundwater quality and quantity. All equipment, facilities and disturbances would be kept at least 100 feet from surface water.

Fuel tanks would be inspected and maintained to prevent spillage and the operator would immediately retrieve and properly dispose of any spilled fuel or contaminated materials. All spills over 25 gallons would be reported to the Department of Environmental Quality (DEQ).

BBB&T would not dispose of solid wastes on site unless an appropriate solid waste management system license is first obtained.

BBB&T is asking to permit 27 separate sites in a 443-acre permit area on four ranches (Figure 1). A total of 222 acres would potentially be disturbed. As many as 11 sites could have more than five acres disturbed and unreclaimed at any one time. If new sites were proposed to be developed in the future, BBB&T would have to apply for a permit revision or amendment.

Following is a list of the rock collecting sites, and legal descriptions with proposed permit area and disturbed acres for each site:

Winnecook Ranch (Sites WR 1-WR 23 on Figure 1):

Township 7 North, Range 16 East

Section 1, 2, 11, 12, 13, 14, 23, 24, 25, and 26

Township 7 North, Range 17 East

Section 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33

Total acreage = 316 acres

Approximate acreage to be disturbed = 204 acres

Two Dot Land and Livestock (Site TD1):

Township 7 North, Range 15 East

Section 35

Total Acreage = 54 acres

Approximate acreage to be disturbed = 4 acres

Grand Duke Ranch (Site GD1):

Township 7 North, Range 16 East

Section 22

Total acreage = 40 acres

Approximate acreage to be disturbed = 4

Edwin Delgarno (Site DG 1 and DG 2):

Township 19 North, Range 14 East

Section 32

Total acreage = 33 acres

Approximate acreage to be disturbed = 10

DEQ must prepare an environmental assessment (EA) because 11 of the proposed 27 rock collecting sites could exceed the disturbance limitations in a Supplemental Programmatic Environmental Assessment (SPEA) completed by DEQ for rock collecting sites and quarries in 2004. The sites proposed by BBB&T meet all requirements under the SPEA except the disturbance cannot be kept below five acres disturbed and unreclaimed at any one time.

N = Not present or No Impact would occur.

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

N/A = Not Applicable

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACT AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or	[Y] The predominant soils that would be impacted are sandy loams and fine sandy loams. Salvaging soils for replacement after rock collecting is completed would accelerate new soil development on reclaimed areas. Soil disturbance is an unavoidable impact of rock collecting activities. These soils are susceptible to wind erosion when exposed.

IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?</p>	<p>The small size of the disturbances would limit soil loss. During periods of extreme drought, reclamation seedings may fail with some resulting loss of soil. Failed seedings would be reseeded until vegetation is successfully established and the reclamation bond is released.</p> <p>Some sandstone outcrops would be removed or altered. This is an unavoidable impact of the rock collecting operations. Most of the marketable stone occurs behind the outcrops, away from the exposed and weathered rocks.</p>
<p>2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?</p>	<p>[N] All of the sites are dry and over 100 feet from surface water. All of the excavations are relatively shallow, not exceeding 20 feet in depth, and would not impact ground water. Impacts from petroleum product spills and herbicide use to control weeds would be limited by the distance from water. No groundwater wells are within 1000 feet of the sites.</p>
<p>3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?</p>	<p>[Y] There would be dust produced by these operations due to travel on the dirt roads commonly found in these areas. The landowners can require dust control as needed in their leases with the company.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?</p>	<p>[Y] The native plant communities that would be impacted are common in the sedimentary plains of Montana. Disturbance of these native plant communities is an unavoidable impact of the rock collecting activities. Reclamation of the sites and seeding of native plant species would limit impacts but the native plant communities cannot be restored.</p> <p>Some of the sites would be on areas used to grow dryland wheat, where the native communities have been removed for agricultural production. Reclamation of these sites would allow the continued use of the sites for crop production. Removal of the rocks from the fields would enhance the use for agricultural purposes.</p> <p>A search of the Natural Resource Information System (NRIS) database found that there are no known threatened and endangered or sensitive plant species growing in these areas. The disturbance on the sites would lead to more noxious weed invasion in the area. This is an unavoidable impact of disturbance. Weed control efforts would limit these impacts.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</p>	<p>[Y] The areas are commonly used by pronghorn antelope, whitetail and mule deer and other wildlife and bird species. The Musselshell River runs through some of the sections in the permit boundary but the</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>proposed sites are over 100 feet away from the river.</p> <p>The area also contains sandstone outcrops used by raptors as perching sites. Some of the outcrops would be altered. Most of the marketable stone occurs behind the outcrops, away from the exposed and weathered rocks.</p>
<p>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?</p>	<p>[Y] A search of the NRIS database found that there are no known threatened and endangered animal species in the area. Bald eagles are seasonal migrants through the area, but do not remain, and are more closely associated with the Musselshell River valley than the uplands. Eagles may use the outcrops as perching sites. Eagle use of the outcrops would be limited during rock collecting activities. They would return after areas are reclaimed.</p> <p>NRIS indicated that a number of animal species of concern have either been sighted in the area or could be expected to be found in the permit boundaries. These species include: the long-billed curlew, spiny softshell turtle, black-tailed prairie dog, ferruginous hawk, greater sage grouse and the mountain plover. Only the spiny softshell turtle has actually been sighted in the proposed permit boundaries and is associated with the Musselshell River and not the uplands where the rock collecting activities would occur.</p>
<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>[Y] A records search by the State Historic Preservation Office indicated that a number of cultural areas of concern exist in the general area. DEQ staff visited the sites and met with landowners in an effort to determine if cultural resource sites exist in the proposed permit areas. From their observations and discussions it is apparent that the cultural resource sites are outside the areas to be permitted. As noted in the application, the operator would provide protection for archaeological and historical sites if they are found in the permit area.</p>
<p>8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?</p>	<p>[Y] All of the proposed rock collecting sites are in remote, rural areas. Activity would be visible from some county roads during operations, but the disturbance created would not be readily apparent in the absence of construction equipment. Soil would be replaced after the rock has been removed and then the areas would be reseeded. The reclaimed rock collecting sites would not have the appearance of the original sandstone outcrops. This is an unavoidable impact of rock collecting activities.</p>
<p>9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area?</p>	<p>[N] These projects would be isolated and require a minimum of energy resources.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] The surrounding land use is livestock grazing and dryland crop production. Surface disturbance on the Winnecook Ranch, Grand Duke Ranch and Two Dot Land and Livestock has occurred in the past in the form of surface handpicking of sandstone rock. Other rock collecting areas have been permitted and are proposed in the surrounding area. None of these other sites would affect the proposed BBB&T sites.

IMPACTS ON THE HUMAN POPULATION	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[Y] These operations are a source of income for the area ranchers.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[Y] This and other stone producing operations are major employers in these counties, providing work for a segment of the population that is otherwise unemployed, or underemployed.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[Y] This project would create 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] There is no anticipated need for increased government services that would result from this project. The local roads can handle the limited traffic that would result from the rock collecting activities.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[Y] There are plans in effect in the area but none that affect private lands.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas	[N] There are no wilderness or major recreational areas on private land in these counties. The major recreational use is hunting.

IMPACTS ON THE HUMAN POPULATION	
nearby or accessed through this tract? Is there recreational potential within the tract?	
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] The work force would be local, or drawn from neighboring counties. The royalty payments made to landowners would help maintain the sometimes tenuous existence of family owned farms and ranches recovering from regional drought.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
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.	[Y]
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]
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	[N/A]

IMPACTS ON THE HUMAN POPULATION	
on the use of private property, and analyze such alternatives.	
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. Alternatives Considered:
No Action: Deny the request for operating permit. No issues were identified which would require denying the permit.
Approval: Approve the permit as proposed.
Approval with Modification: No unresolved issues were identified which would require modification of the proposal.
26. Public Involvement: A legal notice and press release has been published notifying the public of the proposed operation. No comments were received. Another legal notice and press release will be issued when this CEA is released.
27. Other Governmental Agencies with Jurisdiction: None
28. Magnitude and Significance of Potential Impacts: There would be no significant impacts associated with this proposal. As noted, there would be impacts to soils, geologic resources, native plant communities and avian habitats on outcrops and from an increase in noxious weeds in the area,

Building stone quarries and rock collecting sites are increasing throughout Montana. DEQ has prepared a Supplemental Programmatic Environmental Assessment (SPEA) on these operations. The operations that qualify must meet the following provisions as listed in the SPEA.

- Any individual small quarry must maintain a working disturbance of up to five acres maximum. Total disturbance during the life of an individual operation could exceed five acres, but concurrent reclamation would be required to keep the disturbance at any one time to five acres or less. Access roads would not be included in the disturbed total, but the operator would submit a reclamation bond for roads that do not have an appropriate use after quarrying. Roads appropriate for the land use after quarrying and access or haulage roads which are required by a local, state, or federal agency having jurisdiction over that road would not have to be bonded;
- There would be no impact to any wetland, surface or ground water;
- There would be no constructed impoundments or reservoirs used in the operation;
- There would be no potential to produce any acid or other pollutive drainage from the quarry;
- There would be no impact to threatened and endangered species; and
- There would be no impact to significant historic or archeological features.

The rock collecting sites proposed by BBB&T meet all these requirements except the operator cannot keep the disturbance to less than five acres disturbed and unreclaimed at any one time on some of the sites. Even though some of the sites may exceed five acres disturbed and unreclaimed at any one time, there would be no other impacts other than the size of the disturbance area over that analyzed in the SPEA. This Checklist EA tiers to the 2004 SPEA. Reclamation would limit impacts. DEQ would bond BBB&T to reclaim acres disturbed by rock collecting.

29. Cumulative Impacts: Many acres could be potentially disturbed by quarry operations throughout

Montana as a result of the demand for building stone. DEQ has approved an operating permit for ES Stone in Ryegate for rock collecting activities that would disturb up to 107 acres in Wheatland and Golden Valley counties. DEQ is currently reviewing an amendment to that operating permit to add another 5 acres in Wheatland County and 300 acres in Cascade County. DEQ is currently reviewing three other quarry operating permits in Wheatland County from Montana Rockworks, LLP in Kalispell that would disturb 485 acres in Wheatland County; Rocky Mountain Stone, Inc in Bozeman that would disturb 38 acres and Big Sky Masonry, Inc. out of Bozeman that would disturb 834 acres. The cumulative impacts from all these operations would lead to the loss of geologic resources, more soil disturbance requiring reclamation, more impacts to native plant communities and increased potential for noxious weed invasion and spread, and more economic benefits to the local economies from rock collecting operations. All the proposed rock collecting sites in Wheatland County are on private property.

30. Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

31. EA Checklist Prepared By: Herb Rolfes, Operating Permit Section Supervisor.

32. EA Reviewed By: Patrick Plantenberg, Reclamation Specialist, and Warren McCullough, EMB Bureau Chief

Signature

Date

Herb Rolfes
Operating Permit Section Supervisor

File: pending Bozeman Brick, Block and Tile.70

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