



**FINAL ENVIRONMENTAL ASSESSMENT
E. S. STONE AND STRUCTURE, INC.
OPERATING PERMIT 00163
AMENDMENT 006**

July 6, 2016

Dear Reader:

E.S. Stone and Structure, Inc. (ES Stone) applied for an amendment to their operating permit (00163) located near Harlowton, MT. ES Stone, located at PO Box 28, Ryegate, MT 59074 filed an amendment on May 16, 2016 to their Operating Permit from the Montana Department of Environmental Quality (DEQ), Hard Rock Mining Bureau in Helena. The permit amendment would add two new sites consisting of 1,330 acres to the permit area, for a total of 10,064 acres. An additional 45 acres could be disturbed at any one time, with a total of up to 765 acres to be disturbed at any one time. Mining at both sites would involve removal of surface rock.

The proposed quarries are located on private property at:

Site 19: Township 22 North, Range 1 East, part of Section 29. Total area to be permitted in Site 19 would be 365 acres in Cascade County about 5 miles north-northwest of Vaughn, MT; and

Site 20: Section 20 North, Range 1 East, Section 2 (E ½ of the section and W ½ of SW ¼ of the section), Section 1 (W 1/2) , and Section 11 (5 acres in SW ¼ of NW ¼); Township 21 North, Range 1 East, Section 35 (SE ¼ and S ½ of NE ¼). Total area to be permitted in Site 20 is 965 acres in Cascade County about 2 miles South of Vaughn, MT. The site also includes an access road and loadout area on DNRC land.

ES Stone currently quarries and collects building stone on numerous sites under Operating Permit 00163 in Golden Valley, Wheatland, and Cascade counties.

A Draft CEA evaluating the potential impacts from this proposed amendment was issued on May 16, 2016, with a comment period that ended on June 30, 2016.

E.S. Stone has 8,734 acres of permit area on 17 existing sites currently approved under Operating Permit 00163. This permit amendment would add site 19 with 365 acres and site 20 with 965 acres.

Operating Permit 00163	Current Conditions	Amendment 006	Total
Permit Area	8,734 acres	1,330 acres	10,064 acres
Permitted Disturbance	1,960 acres	1,330 acres	3,290 acres
Maximum Acres Disturbed at Any One time	720 acres	45 acres	765 acres

A number of comments on the draft EA were received.

Comment: Permission has not been granted to use the Taft Hill Road (Tower Road).

Response: There will be no access from the north (Tower Road). Once workers reach the end of the DNRC access road they would proceed overland (east) onto the major portion of the Hastings land. They would not cross the Eustance or Davis properties and would not use the Tower Road for access.

Comment: Fire control has not been addressed.

Response: A fire control plan has been submitted in response to the comment.

Comment: A detailed cultural survey needs to be completed.

Response: A records search by the State Historic Preservation Office did not return any identified historical or archaeological sites. The application for an amendment to the operating permit notes that ES Stone will provide protection for archaeological and historic values found in the permit area, and route operations around a site of discovery, promptly notify SHPO, and leave the site undisturbed until proper evaluation is made.

DNRC performed a cultural resources inventory on the proposed access trail and staging area located on DNRC land. DNRC's limited survey determined that the proposed site has the potential to impact cultural resources. E.S. Stone has committed to protect any resources found.

Comment: A concern was expressed about the use of a two-track trail for access on state land by semi-trucks and heavy equipment, and loss of the areas for public use.

Response: The response to the first deficiency letter for the application notes that surface rock would be removed by hand or with an excavator or backhoe and transported in pickup trucks to the palleting/staging area.

The Department of Natural Resources and Conservation is responsible for the leasing, permitting, and managing of state lands.

Comment: A copy of the 2005 original permit was requested and not provided.

Response: A copy of the amendment was requested and sent that day. A follow-up copy of response to agency comments was sent the next day so as to provide additional information.

Comment: A request for copies of documents in the amendment listed as exhibits were not provided as told they were confidential.

Response: A copy of the cultural resources report was requested. The agency considers cultural resource reports to be confidential.

Comment: Conflicting information on the areas to be mined and type of equipment to be used was given.

Response: A copy of the response to agency comments was sent along with a copy of the requested amendment application. As often occurs, operating and reclamation plans change after agency comments are received by the applicant. A copy of the response to comments was provided to ensure that these changes were available for review by the requestor.

The DEQ has decided to approve the amendment to the permit as proposed contingent on ES Stone posting additional bond for reclamation.

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

7/6/16
Date