

July 12, 2005

Dear Reader:

Enclosed for your review and comment is the Draft Environmental Assessment (EA) for an operating permit requested by ES Stone and Structure, Inc. (ES Stone) of Belt, MT. ES Stone applied for an operating permit to quarry and collect sandstone on February 6, 2004. They submitted a revised application on May 5, 2005. The application is now complete. This Draft EA evaluates the potential impacts from the quarry 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 EA 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 EA, new information, or new analysis that may be needed in preparing the Final EA.

Copies of this EA can be obtained by writing or calling the Montana Department of Environmental Quality, c/o Patrick Plantenberg, P. O. Box 200901, Helena, MT 59620, telephone (406) 444-4960; e-mail address pplantenberg@mt.gov. The EA will also be posted on the DEQ web page: www.deq.state.mt.us.

Public comments concerning the adequacy and accuracy of the Draft EA will be accepted for 30 days, until August 19, 2005. Written comments may be sent to the Montana Department of Environmental Quality, Environmental Management Bureau, PO Box 200901, Helena, MT 59620-0901, attn: Patrick Plantenberg. Since the Final EA may only contain public comments and responses, and a list of changes to the Draft EA, please keep this Draft EA for future reference.

Warren D. McCullough, Chief
Environmental Management Bureau

Date

File pending ESStone.70
g:\emb\opl\mepa\ea\esstonedeacovlet.doc

CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: E.S. Stone and Structure, Inc., P. O. Box 566 Belt, MT 59412

PROJECT: Building stone quarries and rock collecting sites

PERMIT OR LICENSE: Operating Permit Application

LOCATION: (see list below)

COUNTY: Wheatland and Golden Valley

PROPERTY OWNERSHIP: Federal State Private

TYPE AND PURPOSE OF ACTION: E.S. Stone and Structure, Inc. (ES Stone) quarries and collects building stone under the provisions of a Small Miner Exclusion Statement (SMES). ES Stone has exceeded the limit of disturbed acreage and number of sites allowed under an SMES and has applied for an Operating Permit. With this permit, ES Stone would quarry sandstone found along outcrops, hilltops, and other areas where commercial sandstone is available. Sandstone would be quarried from the surface to 16 feet deep. Large rock slabs would be extracted with an excavator. Smaller rocks would be picked with a backhoe or by hand.

Soil and overburden would be stripped by dozers from the sandstone and stockpiled for use in reclamation. The stone would then be excavated using tracked excavators or backhoes. Excavated stone would be sorted and either placed on pallets for shipment to market or to a sawing shop, or processed on site into block and brick sized stone.

Reclamation Plan: As each quarry or portion of a quarry is depleted, the waste stone would be backfilled into the pits or pushed into low piles if the quarrying does not create pits and depressions. Previously saved soil would be spread over the recontoured ground and those areas would then be seeded with a native grass seed mix, on areas of native range, or returned to agricultural production on areas that were previously farmed.

ES Stone is asking to permit a 1000-acre permit area. Currently, 8 sites are proposed to be quarried on 174 permit acres (See Exhibits). Up to 107 acres would be disturbed. Several of the sites could have more than 5 acres disturbed and unreclaimed at any one time. If new sites were proposed to be quarried in the future, ES Stone would have to apply for a permit revision or amendment.

The proposed quarries are southeast and southwest of Ryegate and southwest of Harlowton. Following is a list of the quarry sites, landowners, and legal descriptions with proposed permitted and disturbed acres for each:

Site 1: Vander Voort. Section 17, Township 6 North, Range 19 East

45 acre permit area
32 acres disturbed and unreclaimed
Access: 3,700' of new road.

Site 2: Ott. Section 15, Township 6 North, Range 19 East

**4 acre permit area
2 acres disturbed and unreclaimed
Access: 4,900' of existing road**

Site 3: Ott. Section 22, Township 6 North, Range 20 East

**40 acres permit area
10 acres disturbed and unreclaimed
Access: 1,400' existing road**

Site 4: Broderson. Section 24, Township 6 North, Range 20 East

**This site has been mined under an SMES and has been reclaimed. It would be reopened.
25 acre permit area
23 acres disturbed and unreclaimed
Access: 1,200' existing road**

Site 5: Broderson. Section 19, Township 6 North, Range 21 East

**15 acre permit area
10 acres disturbed and unreclaimed
Access: 2,100' existing road**

Site 6: Ramage. Section 4, Township 5 North, Range 21 East

**10 acre permit area
4 acres disturbed and unreclaimed
6 acres graded and soiled.
Access from improved ranch road**

Site 7: Klock. Section 28, Township 8 North, Range 15 East

**15 acre permit area
12 acres disturbed and unreclaimed
Access: ranch road off of highway**

Site 10: Vander Voort. Section 20, Township 6 North, Range 21 East

**20 acre permit area
14 acres disturbed and unreclaimed
Access: 3,400' new road**

DEQ must prepare an environmental assessment because some of the proposed quarry sites exceed the disturbance limitations in a Supplemental Programmatic Environmental Assessment (SEA) completed by DEQ for rock quarries in 2004 (See Attachments). The quarries proposed by ES Stone meet all the requirements under the Programmatic SEA except the disturbance cannot be kept below 5 acres disturbed and unreclaimed at any one time.

N = Not present or No Impact will 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
<p>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?</p>	<p>[N] The predominant soils that will be impacted are sandy loams and fine sandy loams. These soils are susceptible to wind erosion when exposed. 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.</p> <p>Some sandstone outcrops would be removed or altered. This is an unavoidable impact of the quarry 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 well removed from surface water. All of the excavations are relatively shallow, not exceeding 16 feet in depth, and would not impact ground water.</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>[N] 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 on their leases to the company.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be</p>	<p>[N] The native plant communities that would be impacted are common in the sedimentary plains of Montana. Some of the sites would be on dry cropland, where the native</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
significantly impacted? Are any rare plants or cover types present?	communities have been removed for agricultural production. A search of the NRIS database found that there are no T & E plant species growing in these areas. The disturbance on the sites would lead to more noxious weed invasion in the area. Weed control efforts would limit these impacts.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The areas are commonly used by mule deer and antelope. There is no aquatic habitat.
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] 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.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] A records search by the State Historic Preservation Office did not return any historical or archeological sites. The quarries have the potential to impact cultural resources. ES Stone has committed to protect any resources found.
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?	[N] All of the proposed quarry 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 will be replaced after the rock has been removed and areas reseeded. The reclaimed quarries would not appear as the original sandstone outcrops in the area. This is an unavoidable impact of quarrying activities.
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] These projects would be isolated and require a minimum of energy resources.
10. IMPACTS ON OTHER ENVIRONMENTAL	[N] The surrounding land use is livestock grazing and dryland farming.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCES: Are there other activities nearby that will affect the project?

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?

[N] 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.

[N] 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?

[N] 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 as a result of this project.

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

[N] There are no wilderness or major recreational areas on private land in these counties.

IMPACTS ON THE HUMAN POPULATION	
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 the family owned farms and ranches recovering from the 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	[N/A]

IMPACTS ON THE HUMAN POPULATION	
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.	
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 were published. No comments were received
27. **Other Governmental Agencies with Jurisdiction:** None
28. **Magnitude and Significance of Potential Impacts:** There would be no significant impacts associated with this proposal.
29. **Building stone quarries and rock collecting sites are increasing throughout Montana. DEQ has prepared a SEA on these operations. The operations that quality must meet the following provisions as listed in the SEA in Attachment 1:**
- Any individual small quarry must maintain a working disturbance of up to 5 acres. Total disturbance during the life of an individual operation could exceed 5 acres, but concurrent reclamation would be required to keep the disturbance at any one time to 5 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 quarries proposed by ES Stone meet all these requirements except the operator cannot keep the disturbance to less than 5 acres disturbed and unreclaimed at any one time on some of the sites. Even though some of the sites may exceed 5 acres disturbed and unreclaimed at any one time, there will be no other impacts other than the size of the disturbance area over that analyzed in the SEA. This Checklist EA tiers to the 2004 SEA. Reclamation would limit those impacts. DEQ would bond ES Stone to reclaim acres disturbed by quarrying.

Many acres could be potentially disturbed by quarry operations through Montana as a result of the demand for building stone. DEQ is currently reviewing three other quarry operating permits in Wheatland County from Montana Rockworks out of Kalispell; Bozeman, Brick, Block and Tile out of Bozeman; and Big Sky Masonry out of Bozeman. The cumulative impacts from all these operations would lead to 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 quarry operations. All the proposed quarries 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: Pete Strazdas, Small Miner and Exploration Section Supervisor and Patrick Plantenberg, Operating Permit Section Supervisor.

32. EA Reviewed By: Greg Hallsten, DEQ Environmental Coordinator and Warren McCullough, EMB Bureau Chief

Signature

Date

**Pete Strazdas
Small Miner and Exploration Section Supervisor**

**Attachment
File: pending esstone.70**

G:/emb/op/corres/ppestonecea.doc

EXHIBITS

ATTACHMENTS