

Response to Substantive Public Comments on the Valley Sand and Gravel (VSG) Draft EA

A. (from April Grady)

Comment 1:

The article in the Independent Record states hauling will be reduced by one third but I am skeptical given the pit size will increase to 6 times its current size.

Response:

Since the rock would be washed and screened at the proposed operating permit site the amount of hauling will be reduced, as waste rock will not be hauled to the facility located at the intersection of Lincoln Road and Applegate Drive (page 4, Air Quality).

The application does not indicate that there will be a reduction in truck traffic. In an article in the Independent Record (article published on 8/21/08), however, VSG stated that currently 30% of its truck payloads are of unusable materials. If VSG can wash and screen material at the proposed site, truck traffic would subsequently be reduced.

Comment 2:

I would like to see Valley Sand and Gravel, at the very least, pave Applegate Dr. to handle increased truck traffic and am adamant that Valley Sand hauling stop all together on the weekends.

Response:

DEQ cannot require VSG to pave Applegate Drive, or limit the days of the week that they haul. This is beyond the authority of the Metal Mine Reclamation Act (MMRA). However, VSG has committed to not hauling on weekends when possible (letter of 12/10/08 to DEQ).

Comment 3:

The speed limit on Applegate is 35 and the Valley Sand trucks constantly exceed that speed limit.

Response:

VSG drivers are required to follow posted speed limits. VSG has also committed to reducing the speed of hauling trucks to 25 mph from 3:00 to 4:30 pm when school busses are running. See page 6 and 7 (Human Health and Safety)

Comment 4:

I would like to see a public meeting on this subject.

Response:

DEQ issued legal notices and press releases regarding VSG's submission of a permit application and subsequent submission of a revised permit application. DEQ then issued a legal notice and a press release regarding the availability of the Draft EA. In addition, DEQ sent a copy of the Draft EA to those persons on a mailing list. The mailing list

included all residents within one-half mile of the proposed operation and persons who had called requesting to be placed on the mailing list. The Draft EA invited submission of public comment. DEQ has reviewed the public comments. The comments did not raise any new issues that were not previously addressed in the Draft EA. DEQ believes that these steps provided sufficient public review.

B. (From Daryl Pearson)

Comment 1:

The application of the dust control is fine until the road bed becomes wet. Then it becomes a mixture which binds to the undercarriage and exterior finish of the vehicle and when dry is closer to the consistency of cement than mud. It also has corrosive properties as well.

Response:

A water truck would be available to assist the County with watering Applegate Drive as well as some watering on the private road that extends beyond the end of Applegate Drive. See page 4 of the Draft EA (Air Quality). Please also see comments J.1 and J.2.

Comment 2:

After learning that he wants to expand his northern pit, I realize it will only mean more truck traffic, more dust and more noise.

Response:

The Draft EA addresses traffic is covered on page 5 and 6 (Aesthetics), dust on page 3 (Air Quality), and noise on page 6 (Aesthetics).

C. (from Lena Havron)

Comment 1:

I understand the concept that they will haul less in the long run, but would like to see their actual reduction plan that spells it out completely.

Response:

Please see response to comment A.1.

Comment 2:

I also would like them to pave the road if they plan on expanding that pit.

Response:

Please see response to comment A.2.

Comment 3:

I think a maintenance plan should be developed so that they gravel and grade the road when appropriate.

Response:

DEQ cannot require VSG to submit a maintenance plan for a public road. This is beyond DEQ's authority under the Metal Mine Reclamation Act (MMRA).

Comment 4:

Also I would like to see them obey the speed limits on that road.

Response:

Please see response to comment A.3.

Comment 5:

I request that there be a public comment meeting held so that people in the neighborhood who otherwise might not be able to understand what Valley Sands intentions are can attend and discuss.

Response:

Please see response to comment A.4.

D. (from Gloria Wels)

Comment 1:

Children are unable to walk or ride their bikes because of the constant semi gravel truck traffic on Applegate, and concerned about letting them play outside in their yard at all because of all of the trucks speeding by. I am greatly concerned about the amount of truck traffic in this residential area.

Response:

Please see response to comment A.1 and A.2.

Comment 2:

Currently the trucks run seven days a week from dawn until dusk and increasing the pit size by this amount would surely cause the truck traffic to increase.

Response:

VSG has committed to reducing hours of operation to daylight hours from 8 a.m. 5 p.m. Monday through Friday and 8 a.m. to 4 p.m. on Saturday and/or Sunday when children are not attending public school. Hours would change to 8 a.m. to 8 p.m. from Monday through Friday and 8 a.m. to 4 p.m. on Saturday and/or Sunday during the remaining months.

Please also see response to comment A.1.

Comment 3:

I feel that the residents in the area should at the very least have a walking/bike path along Applegate so they are able to move from place to place without the use of a vehicle.

Response:

DEQ does not have authority under the MMRA to require construction of a walking/bike path.

Comment 4:

All of us residents also have to deal with the dust and noise created by all of that truck traffic daily. Would it be possible to at least have the weekends free of dust and noise, and the ability to use the road for at least those two days?

Response:

Please see comment A.1 and A.2.

Comment 5:

Valley Sand & Gravel does a pretty good job of taking care of Applegate on the end near Lincoln road, but it seems that nothing is done north of Prairie Road. This road is not built to the specs necessary for all of this commercial semi traffic. If Applegate is to be used for this much semi traffic it would have to be upgraded for that use, possibly paved.

Response:

DEQ does not have authority under the MMRA to require VSG to upgrade or pave any roadway.

Comment 6:

The dust clouds created by all of that truck traffic particularly in the summertime is not healthy for all of us that live in the area, not to mention the mess that it makes in our homes.

Response:

The issue of dust is addressed in the Draft EA on page 4 (Air Quality).

Comment 7:

I would like to see a public meeting to discuss this so that the all residents can comment, not just the ones that get the paper.

Response:

See response to comment A.4.

E. (from Robert Morton)

Comment 1:

This is a residential area where hauling gravel, large belly dump trucks, no or poor dust control are not appropriate.

Response:

Dust is addressed in the Draft EA on page 4 (Air Quality).

Comment 2:

Operations and the CEA do not seem to address that fact that this is an addition to

an already permitted VSG operation along Lincoln Road. The impact is compounding on a number of fronts.

Response:

The existing facility at the intersection of Lincoln and Applegate roads is covered by the opencut program, a separate permitting authority. Cumulative impacts are addressed on page 10 of the Draft EA (Cumulative Impacts).

Comment 3:

Weekend operations, down dust bowl road, noisy are not residential appropriate. This has been unacceptably going on for about 2.5 years.

Response:

There is no zoning in place for this area. The existing operations are in compliance with regulations. Please also see response to comment A.2.

Comment 4:

Revegetation effort on the existing haul road is nonexistent and is indicative of poor environmental awareness and likely poor future reclamation effort by the mine owner.

Response:

It is not clear what road is being referred to in this comment. Roads within permit boundaries are not revegetated until use of the road has ceased.

Comment 5:

Past explanations on permitting was that it complied at infancy, but the DEQ was understaffed to enforce small scale complaints and loopholes exist between regulations to allow operation.

Response:

The existing operation is conducted under the SMES program and is in compliance. Applying for and being issued an operating permit will allow VSG to expand the operation.

Comment 6:

No erosion control. See poorly planned haul road.

Response:

Erosion control is addressed in the Draft EA on page 2 (Water Quality, Quantity and Distribution). Please also see response to comment C.3.

Comment 7:

Minimal and insufficient dust control.

Response:

Please see response to B.1.

Comment 8:

Noisy operation can be heard miles away.

Response:

Noise is addressed in the Draft EA on page 6 (Aesthetics).

Comment 9:

A large weed spreading phenomena.

Response:

Weeds are addressed in the Draft EA on page 5 (Vegetation Cover, Quantity and Quality).

Comment 10:

Road damage and public road abuse.

Response:

Public roads are outside the jurisdiction of DEQ.

Comment 11:

Was the very large scale road in the hills to the mine off Applegate permitted? Obviously the only planning involved with this was to supply a large scale mine haul road. Problem is, it happens to go through recreational and residential areas, representing inefficient and poor planning.

Response:

Please see response to comment E.10. Additionally, there is no zoning in place to preclude VSG from expanding its operation.

Comment 12:

This mine and access is immediately adjacent to or on public land that is routinely used for recreation without regard in the application.

Response:

This issue is address in the Draft EA on page 5 (Aesthetics).

Comment 13:

If this is to continue the road should be widened and paved by VSG and operations restricted to normal working hours – not weekends.

Response:

Public roads are outside the jurisdiction of DEQ. Hours of operation are addressed under response to comments A.2 and D.2.

Comment 14:

Speed limits for these large rumbling trucks on a narrow residential gravel road have not been and need to be enforced and addressed more thoroughly in environmental impacts and planning.

Response:

See response to comment A.3.

Comment 15:

State rules and regulations for Gravel Pit operations are weak at best and do not apply to an operation that conducts blasting in a hardrock quarry.

Response:

DEQ is permitting this operation under the MMRA rather than the Opencut Mining Act, which regulates gravel pits, because of the nature of the mined material.

Comment 16:

Area property values are decreasing with even the threat of this large scale noisy dusty neighbor.

Response:

Sale or market value of adjacent property may be negatively affected by the presence of the VSG operation, but DEQ has no specific information on this issue at this site.

In the context of DEQ's regulation of gravel pits under the Opencut Mining Act, DEQ contracted a study to determine whether the existence of a gravel pit and gravel operation impacted the value of surrounding real property. The study (Rygg, February 1998) involved some residential property near two gravel operations in the Flathead valley. Rygg concluded that DEQ authority under the Opencut Mining Act to protect air quality, to minimize noise and visual impacts to the degree practicable through the use of berms, vegetation screens, and limits on hours of operation, to otherwise prevent significant physical harm to adjacent land, and to require reclamation of the site was effective in preventing decrease in taxable value of those lands surrounding the gravel pits. In his review of the study, Jim Fairbanks, Region 3 Manager of the Montana Department of Revenue, Property Assessment Division, said:

In the course of responding to valuation challenges of ad valorem tax appraisals, your reviewer has encountered similar arguments from Missoula County taxpayers regarding the presumed negative influence of gravel pits, BPA power lines, neighborhood character change, and traffic and other nuisances. In virtually ALL cases, negative value impacts were not measurable. Potential purchasers accept newly created minor nuisances that long-time residents consider value diminishing.

Also in reference to the permitting of gravel pits, DEQ has stated that proposed gravel mining and gravel crushing operations create the possibility of reducing the attractiveness

of home sites to potential homebuyers seeking a quiet, rural/residential type of living environment and could affect the marketability of existing homes.

Despite DEQ's lack of authority under the MMRA to minimize noise and visual impacts and to limit hours of operation, VSG's proposed operation should have less noticeable presence than typical gravel operations, which generally operate from 7 a.m. to 7 p.m. at least five days a week, and can have significantly more truck traffic hauling mined material. Thus, its impact on the taxable value and marketability should be significantly less.

Comment 17:

Where is the reclamation plan and mapping? Shouldn't this be included in detail rather than simple we'll reseed the area. What slopes are planned for in the final reclamation (useable by wildlife, stable, non-rodeable)?

Response:

The reclamation plan is contained in the application. The Draft EA discusses aspects of the planned mining and reclamation plans and notes what impacts are to be expected. The regraded slopes will be 4 Horizontal: 1 Vertical or less. The slopes will be useable by wildlife. Erosion should increase once vegetation is established. VSG has committed to replacing six inches of soil over six inches crushed overburden as a growth media.

Comment 18:

35 feet below ground surface is noted as max depth to not intercept groundwater. No monitoring wells have been installed, only one pumping well. This is insufficient for groundwater characterization and an operation of this size. Background long term water levels and quality need to be compiled to be able to assess resource / environmental damage potential.

Response:

The depth of water is noted in the Draft EA on page 3 (Water Quality, Quantity and Distribution). The application (G. Groundwater) contains additional information on wells in the area as found in the Ground Water Information Center. There were no wells that contained static water levels less than 35 feet. The 13 wells recorded in the area have an average depth of 159.67 feet with an average static water level of 68.33 feet and average yield of 29.17 gpm.

Groundwater quality from the existing water well on site was analyzed and is included in the Groundwater section of the application.

Comment 19:

No monitoring wells have even been installed at the northern pit area. This is insufficient investigation for an operation of this magnitude.

Response:

DEQ does not agree that there are insufficient data for the area in question.

Comment 20:

The operations are planned in a drainage basin that has up gradient seeps at ground surface, between the two proposed sites. What are the impacts on these seeps? The CEA does not identify or discuss these.

Response:

As noted on page 3 of the Draft EA (Water Quality, Quantity and Distribution), there is no surface water in the proposed permit area.

Comment 21:

This is a regional groundwater recharge area for the Helena Valley that is quite finite in extent. This proposed mine is likely to have major negative impacts on this recharge – both volume and quality. This has not been addressed sufficiently.

Response:

A water right for the existing well in the amount of 17.3 ac-ft/year has been acquired for the purpose of mining. As noted on page 5 of the application, no additional water will be drawn from the well. Impacts to water quality would be limited by distance to groundwater as noted in the Draft EA on page 4 (water Quality, Quantity and Distribution).

Comment 22:

Nitrates in groundwater are a significant problem in the Helena Valley. This proposed blasting operation will additionally decrease water quality to the Helena Valley aquifer. This degradation from the proposed mine needs to be assessed.

Response:

The application notes on page J-2 the procedures that will be followed before and during blasting occurs. A certified blaster would be used. The monitoring well will be sampled on annually for a number of parameters, one of which would be nitrate and nitrite as nitrogen. Offsite impacts from blasting (nitrates) are not expected.

Comment 23:

Weekend operations should not be allowed at all.

Response:

Please see response to comment D.1.

Comment 24:

Aesthetics have not been considered and need to be. A large scar on a mountain face visible throughout the Helena Valley is what is being proposed.

Response:

The Draft EA on page 5 (Aesthetics) addresses aesthetics.

Comment 25:

It is very likely that there are threatened and endangered species of vegetation at the proposed mine. No field effort to identify these is indicated in the CEA. The general NRIS internet data base search is woefully insufficient for this size of an impact in an area that has environmental sensitivity. The area is very dry and has warm season grass vegetation that is relatively rare for this part of the state. This has not been investigated or documented.

Response:

The application contains a section on vegetation (F. Vegetation) that references the type of vegetation to be found in the area. A field review was conducted by consultants for VSG and that report comprises section F.

Comment 26:

The mine is immediately upwind of and adjacent to State land and the significant dust generated will have a negative impact on this State recreational land. This has not been discussed in the CEA.

Response:

Dust is addressed in the Draft EA on page 4 (Air Quality).

Comment 27:

This area is one of the closest elk habitats to the Helena valley. The effect on wintering elk herds and migration corridors has not been addressed.

Response:

The Draft EA addresses wildlife on page 5 (Terrestrial, Avian and Aquatic Life and Habitats). It is noted that elk transverse the area and use the forested uplands as winter range. The proposed mining is not expected to have a significant impact on wildlife.

Comment 28:

Historical aspects are numerous in these north hills. Including very obvious old homestead foundations between the two proposed mine sites. Evidence of past settler activities has not been addressed on site. A full historical/cultural/architectural investigation should be completed for all and adjacent potentially affected properties. Other historical evidence that might be impacted by the mine is the known but not addressed related to past nearby use as an army shooting range. The historical impact has not been addressed thoroughly before this should be allowed to proceed.

Response:

The Draft EA addresses historical resources on page 5 (Historical and Archaeological Sites). 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.

Comment 29:

The CEA notes - No demand for government services!?! The impacts to the community and infrastructure will definitely require additional government services – road building, repairs, signage, and increased enforcement by police. Also, the act of the government needing to complete the CEA is additional impact. This doesn't include the negative impact of decreased health and increased medical costs for the significant dust that the project will generate. The impact of decreased air and water quality and regulatory action to address this is also likely to be significant.

Response:

As noted in the Draft EA on page 7 (Demand for Government Services) there is no anticipated need for increased government services, meaning that there will be no additional requirements (no new employees or additional tax revenues) beyond already existing services being provided by government entities.

Comment 30:

This permit should not be granted under the current laws. Near future legislative rules, local, state and federal are in the works. This mine permit process appears to be being expedited to circumvent these upcoming rules and planning that will likely have impacts on the application and permit. How about coordinate with this planning rather than avoid planning.

Response:

DEQ processes applications based on existing law and rules. There is no intent to circumvent or avoid upcoming rules or planning that may or may not be “in the works.”

Comment 31:

Current Helena Valley and Lewis and Clark county planning that now applies to nearby property has been ignored in this process.

Response:

The permitting process is in compliance with the MMRA and all other state and county regulations.

Comment 32:

The road to the mine site currently is marked private even though it is used by the public to access the 444 acres of adjacent state lands. This access to and the state land itself has not been addressed in the CEA or application.

Response:

This is beyond the authority of the Metal Mine Reclamation Act (MMRA).

Comment 33:

It is hinted that the adjacent lands might be applied for mine permitting in the

future. If this is in the works, this should be addressed fully now – plan for it – rather than poorly patch together an operation that will be of poor service to the community and government resources.

Response:

The basis for this comment is unknown. The application contains the area to be permitted.

Comment 34:

The unique culture of the area is in the process of being impacted by the proposed facility. The mine will change the culture from rural residential to industrial.

This is a huge permanent counter-culture impact.

Response:

The Draft EA notes this issue on page 5 (Aesthetics). There is no zoning requirement to prohibit mining in the area.

Comment 35:

Private property impacts will be significant to neighboring properties. The reference to the regulation by the Metal Mine Reclamation Act is insufficient given the residential and environmental impacts to the Helena Valley.

Response:

Please see response to comment E.16.

F. (From Bob and Dawn Little)

Comment 1:

We are against the blasting.

Response:

As noted in the cover letter to the Draft EA some blasting may occur. A certified blaster would conduct all blasting operations. Blasting is allowed by the MMRA. Please also see response to comment G.2.

Comment 2:

We are against hauling on Diamond Spring Drive.

Response:

VSG has stated their intention to use Applegate Drive for the haul route in the same manner as current operations (Letter of December 1, 2008 to DEQ).

Comment 3:

Concern about dust and other impacts from truck traffic.

Response:

Please see response to comments A.1, B.2 and D.2.

G. (From Dan Strausbaugh)

Comment 1:

We are concerned that development of the expanded gravel pit operation immediately up gradient from our property could affect both the quantity and the quality of our drinking water well.

Response:

Please see response to comments E.18, E.21 and E.22.

Comment 2:

The draft EA recognizes that blasting and mining operations at the proposed gravel pit may compromise wells within one half mile. We would appreciate receiving copies (or citations) of the scientific literature revealing that the impacts to groundwater would be limited to one half mile downslope from the proposed gravel quarry operations.

Response:

The Draft EA notes that a pre-blast survey would be conducted for any resident or owner of a dwelling or structure within one half mile of the permit boundary, if requested by the resident or owner. This statement is derived from a commitment by VSG to conduct a pre-blasting survey and is not intended to indicate that damage is expected from blasting. The one half mile distance was chosen as it reflects rule ARM 17.24.159(d) which requires that persons living within one half mile of the permit area where blasting occurs must be notified of the meaning of warning and all-clear signals.

The rule of thumb for the extent of crack propagation (the boundary between the so called "fracture" and "seismic" zones) is generally taken to be the blasthole diameter in inches multiplied by 10 and expressed in units of feet. For example, a 3-inch drill hole would have a fracture zone extending approximately 30 feet out from the hole. The fracture zone is dependent on the loading density (which is constrained by the hole diameter) and the type of rock being blasted. Properties of the rock that are important include compressive and tensile strength. This rule of thumb assumes that there are no discontinuities within the fracture zone (physical boundaries, such as change in rock type).

This rule of thumb can be supported by the conclusions presented in a number of publications, including the four listed below.

References:

Harries, G. (1983), "Blasting to Achieve Slope Stability in Weak Rock" *in* Third International Conference On Stability in Surface Mining, Volume 3, Chapter 22 – Investigation, Research, and Design.

Hawkins, Jay (2000), "Impacts of Blasting on Domestic Water Wells" *from* The Workshop on Mountaintop Mining Effects on Groundwater. (Note: this reference is not

entirely applicable, since the geology of the Appalachian coal fields is quite different from the geology of the Belt rocks in the Helena Valley.)

Atchison, Thomas C. (1968), "Fragmentation Principles" *from* Surface Mining – First Edition, Chapter 7.2, Section 7 – Exploitation – Unit Operations Blasting.

Da Gama, Carlos D.; Nelson, Charles R. (1971), "The Formation of Radial Cracks in Rock Blasting Analyzed in Terms of the Modified Griffith's Theory" *in* Dynamic Rock Mechanics – Twelfth Symposium on Rock Mechanics, Part IV, Chapter 26.

Comment 3:

We would appreciate information explaining the procedure necessary to initiate and complete investigations of complaints.

Response:

The procedures for making a complaint to DEQ are listed in ARM 17.24.129. Basically, one can call either the Environmental Management Bureau directly or the Enforcement Division. Complaint procedures specifically for blasting are listed in ARM 17.24.157. The rules can be found on the DEQ website.

Comment 4:

Request to have VSG notify all residents within two miles of when blasting is to occur.

Response:

Since there is no actual requirement for notification of blasting under the MMRA the DEQ believes that the commitment by VSG to notify residents living within one half mile of the permit boundary is sufficient.

Comment 5:

Request to have VSG assume responsibility to monitor wells within two miles downslope and responsibility (liability) for wells demonstrating compromised quality and quantity (as determined by DEQ).

Response:

Please see the response to comment G.2. In the permit application (page J-2) VSG has committed to replacing wells that are damaged by blasting to the point of inadequate performance as identified by the DEQ. Also, see response to comment G.3 concerning complaint procedures, and 82-4-355 MCA (Action for damages to water supply – replacement).

H. (from Bill and JoAnne Rapley)

Comment 1:

We wonder why more of our neighbors were not notified of this intended venture. And why most of us have to read about it in this week's Independent Record, with a deadline of December 12 to comment.

Response:

DEQ published notice of the application for an operating permit per 82-4-353 MCA. Those living within half a mile of the proposed permit boundary were sent a copy of the Draft EA as well as those requesting to be placed on the mailing list for this proposed operation. In addition, the following outreach to the public was performed:

DEQ published a legal notice on June 25, 2007 noting receipt of the application.

DEQ news release issued on June 27, 2007 on receipt of the application.

Independent Record ran a story on June 29, 2007 on the application.

DEQ published a legal notice on July 30, 2008 on revised application.

DEQ news release issued on August 1, 2008 on revised permit application.

Independent Record story ran on August 14, 2008 on revised application.

Independent Record story ran on August 21, 2008 on application.

DEQ published a legal notice on November 17, 2008 on availability of Draft EA.

DEQ news release issued on November 11, 2008 on release of Draft EA.

Television station KFBB (Helena) ran a story on November 24, 2008 on release of Draft EA.

Independent Record story ran on 12/9/08 on release of Draft EA.

Comment 2:

Please consider the additional traffic, and dust, that this venture will create. Also, please consider the added noise.

Response:

Please see response to comments A.1, C.2 and D.2 (traffic), B.1 (dust), and E.8 (noise).

I. (from Lewis and Clark County Public Works Department (LLCPWD)):

Comment 1:

LLCPWD expresses the concern that runoff from the site be contained and that stormwater generated off site be routed around the site to prevent the need for larger retention facilities on site.

Response:

The north pond is designed to handle the 100 year, 1 hour event (a storm event of 1.25 inches). An additional pond would be constructed to handle all runoff from the 10 acres below where the north pond would be constructed once excavation operations reach a cut elevation of 4600 feet. The south pond is designed to handle the 100 year, 24 hour storm event (a storm event of 2.9 inches) (see page O-3 of the application). All storm water will be treated through sedimentation associated with ponding (see page O-4 of the application).

Also, please see figures C2, C3 and C4 of the application that show the location of proposed ponds and diversions channels.

Comment 2:

LLCPWD would like VSG to continue to use Applegate Drive.

Response:

Please see response to comment F.2.

Comment 3:

There are some concerns that should be looked at regarding sanitation, weed management, air and noise pollution and dust control outside the operational boundary of the mining operation. An updated weed management plan should be submitted to Lewis and Clark Weed District before additional ground is disturbed.

Response:

Areas of concern that are outside the proposed permit boundary are beyond the authority of the MMRA. A weed control plan is contained on Sheet C7 of the Operation Plans and Specifications section of the application. VSG has contacted the Lewis and Clark County weed inspector.

Comment 4:

Please address the public and private access easements that VSG must use in order to access the exiting site.

Response:

VSG has indicated that it intends to continue to use Applegate Drive for the haul route, in the same manner as current operations (letter of 12/1/08 to DEQ). The map provided with the letter indicates a route along Applegate Drive, north of the intersection of Applegate Drive and Lincoln Road, nearly to the northern border of section 36 where the route goes westwards for about half a mile before turning north for about one quarter mile and then heading westwards again for about one half mile upon where it intersects the proposed permit boundary for a distance of about one half mile. Please see the attached map.

J. (from Lewis and Clark County Road and Bridge Department)

Comment 1:

As long as Valley Sand and Gravel is hauling from this source they will need to continue to apply Meg Chloride on Applegate Drive as needed.

Response:

This is beyond the authority of the Metal Mine Reclamation Act (MMRA).

Comment 2:

If Valley Sand and Gravel decides to use Green Meadow or any other road then Meg Chloride should be applied on those roads also. In addition if Green Meadow or any other road is used in conjunction with this material source they should be brought up to a county standard.

Response:

Please see response to Comment J.1.