

Montana DEQ

Draft Environmental Assessment

Proposed Hard Rock Mine Operating Permit No. 00206 GCC
Trident, LLC



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**Montana Department of Environmental Quality
Air, Energy, & Mining Division
Mining Bureau
ENVIRONMENTAL ASSESSMENT**

COMPANY NAME: GCC Trident, LLC
EA DATE: December 7, 2022
PROJECT: Lingshire Quarry
PENDING OPERATING PERMIT NO.: 00206
LOCATION: 46.899°, -111.351° **COUNTY:** Meagher
PROPERTY OWNERSHIP: FEDERAL ___ STATE _____ PRIVATE X

COMPLIANCE WITH THE MONTANA ENVIRONMENTAL POLICY ACT

The Montana Environmental Policy Act (MEPA) requires preparation of an environmental impact statement for major actions taken by the State of Montana that may significantly affect the quality of the human environment. This Environmental Assessment (EA) is being prepared to determine whether the issuance of an operating permit to GCC Trident, LLC (GCC) by the Department of Environmental Quality (DEQ) is a major state action significantly affecting the quality of the human environment. The EA will examine the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions. DEQ will determine the significance of impacts and the need to prepare an environmental impact statement based on consideration of the criteria set forth in the Administrative Rules of Montana (ARM) 17.4.608.

BACKGROUND

GCC has applied for an operating permit seeking authorization to mine gypsum at the Lingshire Quarry. The proposed mine is in Meagher County, Montana in Section 09, SE ¼, and Section 10, SW ¼, Township 13N, Range 03E. The site is approximately 45 miles northwest of White Sulphur Springs via Montana Highway 360 and Lingshire Road. Beginning in White Sulphur Springs on Montana Highway 360, it is 22 miles to the turn onto Lingshire Road. The proposed quarry site is 23 miles north on Lingshire road from Montana Highway 360. The mine is accessed via existing unpaved roads (**Figure 1**).

This area has been associated with gypsum mining since the mid 1950's through the early 1990's. GCC received a permit for exploration drilling, (Exploration License No. 00843) from DEQ to explore this area for gypsum in the summer of 2021.

GCC submitted its application for an operating permit, which will be denominated Operating Permit No. 00206 if issued, on January 6, 2022. GCC submitted additional information on April 29, 2022, May 5, 2022, August 1, 2021, and August 15, 2022, in response to DEQ's notice of application deficiencies.

On September 2, 2022, DEQ determined that GCC's application was complete and compliant, satisfying the substantive requirements of the Metal Mine Reclamation Act (MMRA). Accordingly, DEQ issued draft Permit No. 00206 on September 2, 2022. Under Section 82.4.337(1)(g), Montana Code Annotated (MCA), issuance of the draft permit as a final permit is the proposed state action subject to review under MEPA.

PURPOSE AND NEED

DEQ's purpose and need in conducting this environmental review is to act on GCC's application for an operating permit authorizing the mining of gypsum in accordance with the MMRA.

PROPOSED ACTION ALTERNATIVE

A summary of the activities GCC would conduct under the Proposed Action is set forth in **Table 1**.

Table 1: Summary of activities proposed in Operating Permit No. 00206.

Summary of Proposed Activities in Operating Permit No. 00206	
General Overview	<p>The application includes a proposed permit area of about 176.8 acres. The area permitted for disturbance within the permit boundary would be approximately 165.6 acres (Figure 1). Mining at the project area would occur from spring to late fall for approximately 30 years.</p> <p>The area surrounding the proposed permit area is primarily used for grazing. The western section of the proposed permit area consists of land owned by the Galt Ranch LP, and minerals owned by the Bureau of Land Management. The eastern portion of the permit area is owned by Russell W. and Sue A. Weingartner.</p> <p>The quarry areas would be excavated to an average elevation of approximately 40 feet below the present surface. The Lingshire Quarry is anticipated to provide up to 25,000 tons per season of gypsum ore. Three to six truckloads of ore per day would be hauled to the GCC Trident plant near Three Forks, MT from spring to late fall.</p> <p>The proposed permit area is bisected by Lingshire County Road. Access roads to the quarry areas would be established off Lingshire County Road. These access roads would meet Meagher County requirements for design and construction as they enter the county right of way.</p> <p>All lands disturbed by mining would be reclaimed to pasture habitat suitable for grazing cattle and wildlife habitat. All reclamation would be blended to the surrounding topography. No highwalls or pits would be left post mine.</p>
Proposed Dimensions and Quantities of Disturbance in Operating Permit No. 00206	
Current Disturbance	Approximately 50 acres of historical disturbance.
Total new surface disturbance	Up to 165.6 acres (Figure 2).
Proposed Actions in Operating Permit No. 00206	
Duration and timing	<ul style="list-style-type: none"> • The project would be completed within approximately 30 years following issuance of Operating Permit No. 00206. • Hours of expected operation would be Monday through Friday from 7 am – 6 pm with occasional work on the weekends. • GCC would be required to conduct concurrent reclamation, completing reclamation not more than two years after completion of an area that is no longer being used for mining activities. • Final reclamation of all surface disturbances would be required to be completed no later than 2 years following conclusion of the project. • Final reclamation would include equipment removal, and final site contouring and establishment of vegetation from an approved seed mix at the end of the mine's life.
Location and Analysis Area	<ul style="list-style-type: none"> • The proposed project would be located on private land about 44 miles northwest of White Sulphur Springs, in Meagher County, MT. • The area being analyzed as part of this environmental review includes the immediate project area (Figure 1) as well as neighboring lands surrounding the analysis area as reasonably appropriate for the impacts being considered.
Personnel Onsite	The mine would employ two equipment operators.
Project Water Source	There is no expected water use at the site.

Proposed Actions in Operating Permit No. 00206 (continued)	
Air Quality	<ul style="list-style-type: none"> • Concurrent reclamation would limit the potential for blowing dust from the operating area. • Dust will be controlled on site and along Lingshire Road through magnesium chloride applications.
Water Quality	<ul style="list-style-type: none"> • On May 9, 2022, GCC received a permit for authorization of stormwater discharges associated with industrial activities for mining at the Lingshire Quarry from the Montana Department of Environmental Quality – Water Quality Division (DEQ-WQD). • GCC has prepared an industrial Stormwater Pollution Protection Plan (SWPPP) under Sector J, Standard Industrial Code (SIC) 1499. The SWPP is required to protect State waters from pollutants, primarily sediment. • GCC has installed three shallow groundwater monitoring wells within the proposed permit boundary to establish the groundwater depth is at least 60 feet below ground surface. Water was not detected in these wells during the summer of 2022. GCC would continue to monitor these wells for groundwater and would sample groundwater if it appears.
Erosion Control and Sediment Transport	<ul style="list-style-type: none"> • Sediment control structures, including the installation of berms, ditches, or use of riprap, slash filters, and straw wattles are proposed to limit erosion. • GCC would maintain 100-foot vegetated buffers between parcel boundaries and drainages to assist with filtering sediment from transported stormwater. • Mining would be conducted in phases. After each phase is developed stockpiled overburden would be backfilled into the area and covered with stockpiled topsoil and seeded.
Solid Waste	<ul style="list-style-type: none"> • Refuse would be bagged and properly disposed as needed.
Cultural Resources	<ul style="list-style-type: none"> • Mine activities are proposed on privately owned surface property and privately owned mineral rights. On September 28, 2021 a Class III Cultural Resources Inventory Report recommended a finding of no adverse effect to historic properties.
Hazardous Substances	<ul style="list-style-type: none"> • The following hazardous substances would be located at the project site: fuel, motor oil, hydraulic oil, gear oil, lubricating grease, antifreeze (ethylene glycol and propylene glycol), power steering fluid, brake fluid, and propane.
Reclamation Plans	<ul style="list-style-type: none"> • Mine phases would be backfilled with stockpiled overburden and then topped with stockpiled soil. The mine areas would be graded to match surrounding terrain and seeded. • The soil and overburden stockpile pads would be ripped and seeded. • Regraded and ripped areas would be seeded with an approved seed mix at a rate of 25 pounds per acre. • The final reclaimed elevation for the quarry areas is expected to be 20-25 feet below original ground surface with 4:1 reclaimed slopes.

Figure 1. Proposed Hard Rock Operating Permit No. 00206 Location

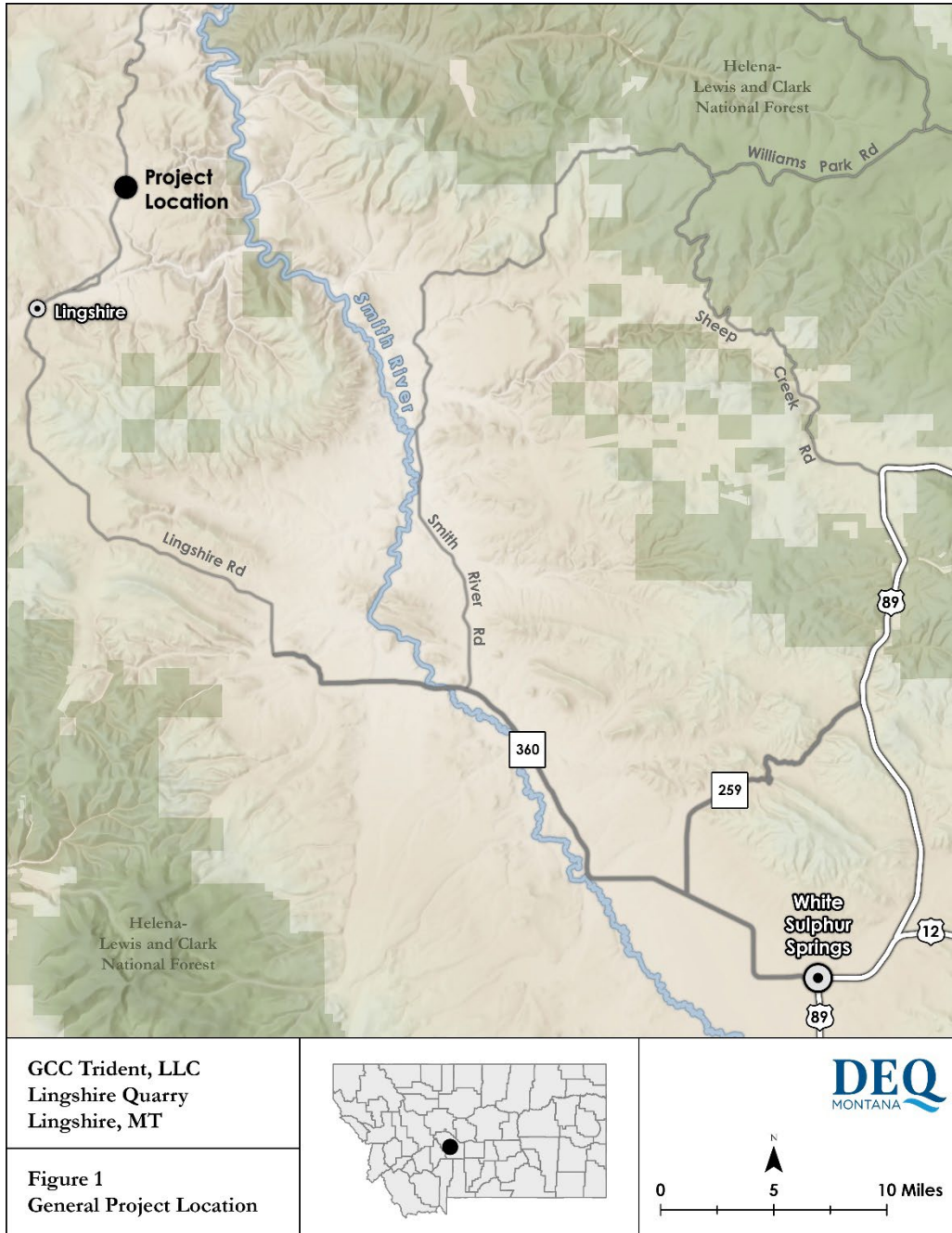
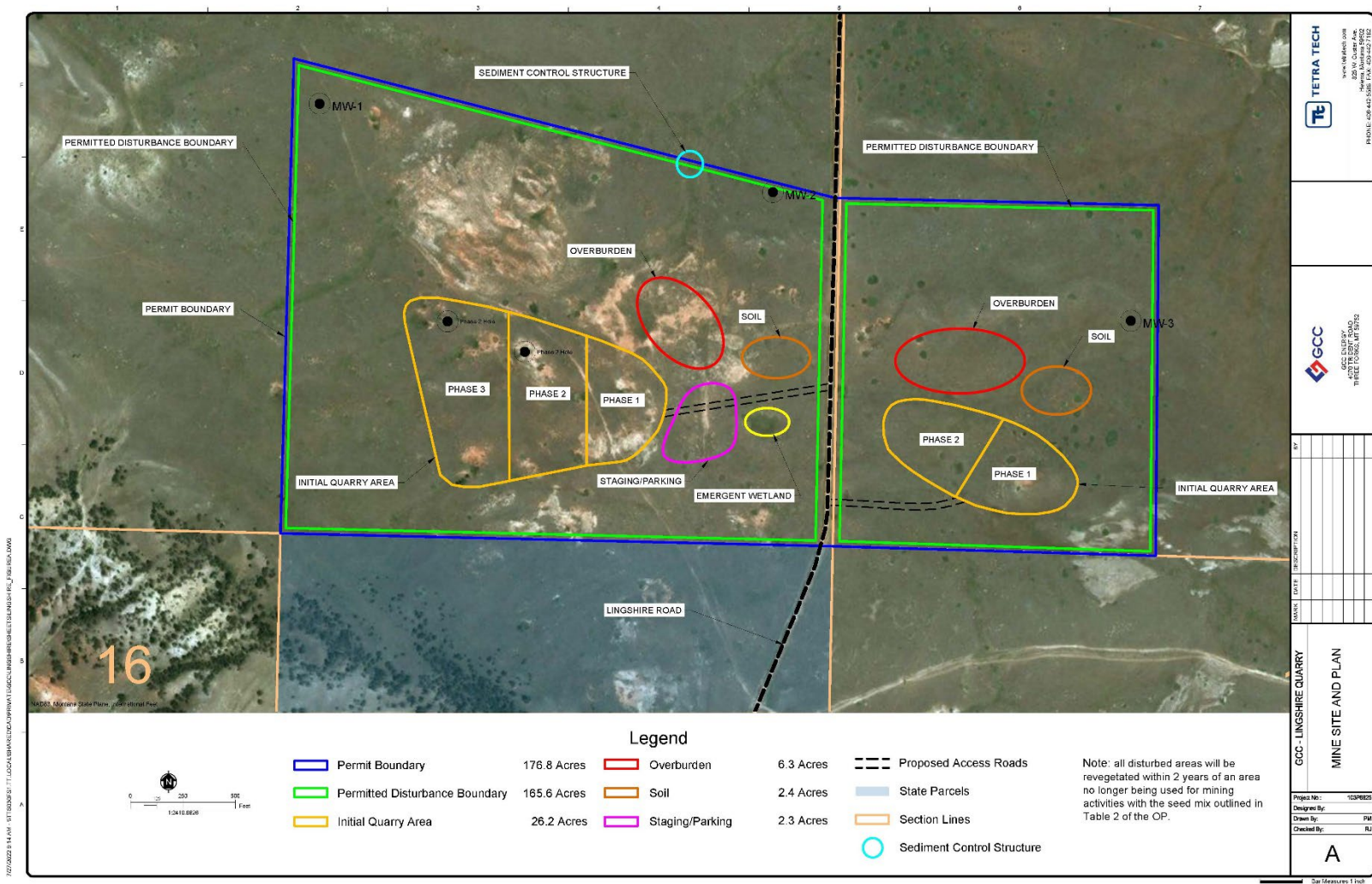


Figure 2. Proposed Operating Permit Boundary and Disturbance Area under Operating Permit No. 00206.



SUMMARY OF POTENTIAL PHYSICAL AND BIOLOGICAL IMPACTS

This impact analysis will identify and analyze direct and secondary impacts of the proposed operation on natural and social resources that are part of the human environment. Direct impacts occur at the same time and place as the action that causes the impact. Secondary impacts are a further impact to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action (ARM 17.4.603(18)). Where impacts would occur, the impacts analysis will estimate the duration and intensity of the impact.

The duration is quantified as follows:

- Short-term: Short-term impacts are defined as those impacts that would not last longer than the life of the project, including final reclamation.
- Long-term: Long-term impacts are impacts that would remain or occur following project completion.

The severity of the impacts is measured using the following:

- No impact: There would be no change from current conditions.
- Negligible: An adverse or beneficial effect would occur but would be at the lowest levels of detection.
- Minor: The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- Moderate: The effect would be easily identifiable and would change the function or integrity of the resource.
- Major: The effect would alter the resource.

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?

The area of the proposed mine would be located on private land about 44 miles northwest of White Sulphur Springs via Montana Highway 360 and Lingshire Road. The proposed permit area is bisected by Lingshire Road, a county-maintained gravel road and is in a high valley between the Big Belt Mountains to the west and the Little Belt Mountains to the east. The mine would be targeting gypsum from the Kibbey Geologic Formation. This formation consists of sandstone, siltstone, and shale with local thin gypsum and limestone beds. The proposed mine area has been associated with gypsum mining since the mid 1950's through the early 1990's.

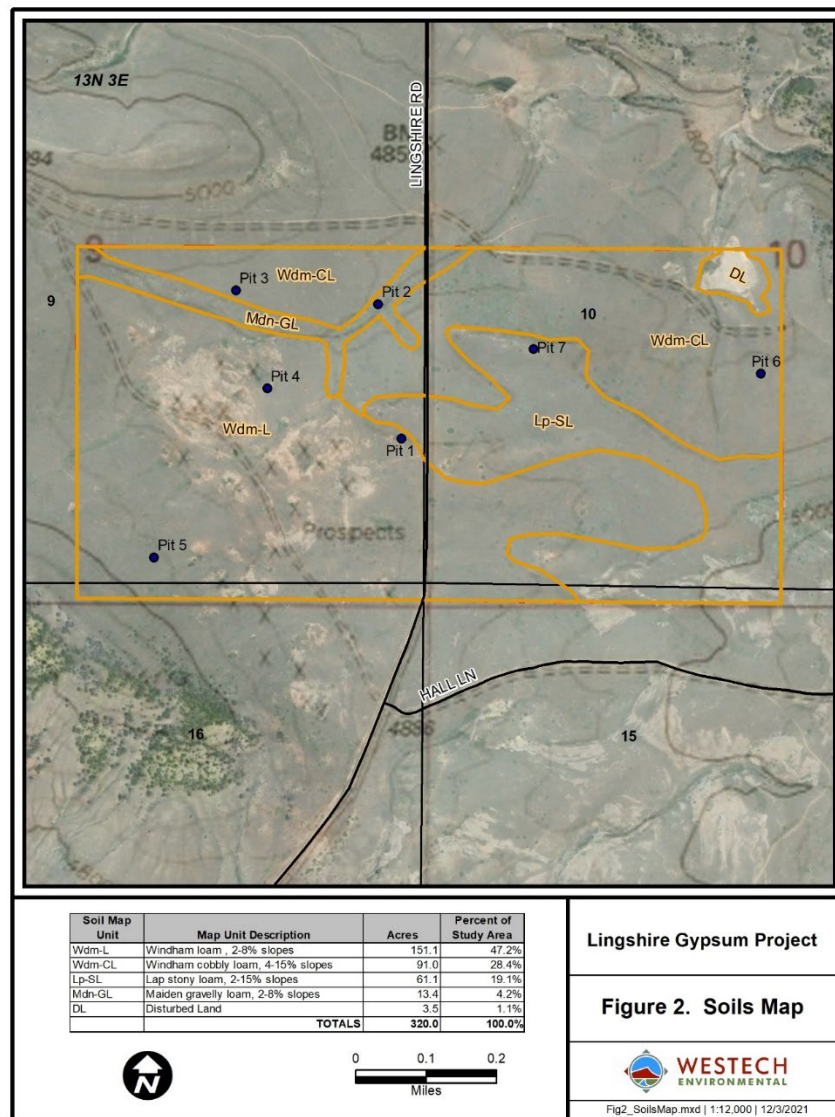
Impacts from gypsum mining under the Proposed Action would result in a disturbance of up to 165.6 acres within the 176.9-acre proposed permit area. As part of the mining process, following removal of the ore, stockpiled overburden would be backfilled into shallow quarries. GCC proposes to mine gypsum from the Lingshire quarry through sequenced quarry development. This involves sequenced mining and reclamation whereby mined areas are reclaimed as mining progresses. During the first phase of mining, GCC proposes to remove the soil and overburden covering the gypsum deposit and place the materials in separate stockpiles. GCC would then break the gypsum up with machinery and load it into trucks. After the first phase of the quarry is mined, GCC would begin excavating the second phase. GCC would sequentially place the overburden

and soil from the second phase into the area mined during the first phase area. Due to the gypsum removed from the mine the post-reclamation topography would leave pits approximately 20 to 25 feet below existing grade. Slopes of these pits would be no greater than 4 horizontal to 1 vertical slope (4H:1V) and the edges of the pits would be graded to match the surrounding topography. Completion of each phase would result in an area that has been backfilled, reclaimed with topsoil and seeded. Vegetation in the permit area consists of grass with some shrubs and forbs.

Windham loam (Wdm-L), Windham cobbly loam (Wdm-CL), and Lap stony loam (Lp-SL) families make up the majority of the soil types in the proposed permit area (**Figure 3**). The Windham soils are moderately deep to deep soils with rooting depths which extend from 18 to 40 inches below ground surface. The gypsum ore to be mined in the proposed permit area varies in depth from 0 to 40 feet below the ground surface. GCC would salvage and stockpile the upper layer of the soil profile separately from any stockpiled overburden. Removal of the ore would alter the soil profile in the quarries by removing established vegetation, reducing soil structure, and disturbing the decomposed plant material on the surface. This modification to the land surface would increase erosion potential of sediments in disturbed areas.

GCC has proposed to use a variety of Best Management Practices (BMPs) to reduce the potential for erosion and sediment transport from areas disturbed by mining. GCC's BMPs include the use of berms, v-ditches, straw wattles, hay bales and silt fences. Concurrent reclamation of mine disturbance would also reduce the potential for erosion and sediment transport. As mining is completed in the various shallow pits, GCC would spread stockpiled overburden in mined areas and contour the backfill to match the surrounding topography. Stockpiled soils would be spread over the backfill and seeds from an approved mix would be broadcast over the topsoil within 14 days of final contouring. GCC would use BMPs to filter sediment from storm water runoff from disturbed areas until vegetation is established.

Figure 3. Soils Map for the Lingshire Quarry



Direct Impacts:

No unusual or unstable geologic features are present, and no fragile or particularly erosive or unstable soils are present. Mining of the gypsum-bearing ore will remove material from the proposed disturbance area. The post-reclamation topography would leave pits approximately 20 to 25 feet below existing grade. Slopes of these pits would be no greater than 4 horizontal to 1 vertical slope (4H:1V) and the edges of the pits would be graded to match the surrounding topography.

The mine could result in erosion of some disturbed soil; however, the erosion potential is minor because of the use of BMPs during mining and reclamation. BMPs including, but not limited to, berms, v-ditches, straw wattles, hay bales, and silt fences may be used to mitigate stormwater interaction with loosened soil near each shallow mine pit. The BMPs would be designed to capture sediment before stormwater reaches surface water. Salvaged overburden and/or soil would be replaced after mining and then contoured to match the surrounding topography. Concurrent reclamation would include application of an approved seed mix (**Table 2**) at a rate of 25 pounds per acre. Impacts to soils would be short-term and minor.

Table 2: Reclamation Seed Mix.

Species	Percentage
Slender Wheatgrass	16%
Western Wheatgrass	24%
Thickspike Wheatgrass	20%
Bluebunch Wheatgrass	20%
Green Needle Grass	16%
Western Yarrow	4%
	Total: 100

The proposed project would have up to 165.6 acres of disturbance area. During the first five years of mining, proposed mining activities would result in a total of 37.2 acres of disturbance.

Surface soil disturbance could allow for the establishment of weeds. Weed control is a condition of an operating permit and GCC would be required to control the spread of noxious weeds [§ 82-4-336(8), MCA]. If noxious weeds are observed several different strategies may be used to control the infestation, including herbicide applications, grazing, cutting, burning and bio-controls. Prompt replacement of topsoil and application of the approved seed mix would facilitate the growth environment for native seeded and planted species. GCC would spray the permit area twice a year for all weeds listed in the Meagher County Noxious Weed Management Plan.

Due to the concurrent reclamation proposed and the commitment to use BMPs in disturbed areas, impacts to the geology, soil quality, stability and moisture would be short-term and minor.

Secondary Impacts:

There are no expected secondary impacts to the geology. Soil quality, stability and moisture are not expected to have secondary impacts due to the BMPs proposed by the applicant.

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?

Groundwater

No groundwater is expected to be intercepted by mining activities. GCC installed three monitoring wells around the edges of the permit area to establish baseline conditions. The wells were completed to a depth of 65 feet below ground surface. No water was encountered in the monitor wells during sample periods from June 9, 2022, to August 12, 2022. GCC would continue to monitor for groundwater with the monitoring wells during mining operations. Water samples would be collected if present in the monitoring wells.

GCC does not propose using explosives during the proposed operations. Therefore, nitrites/nitrates from mining activities are not a contaminant of concern for groundwater impacts.

A search of the Groundwater Information Center (GWIC) indicated that no wells are located within 2 miles from the project site. No impacts to groundwater are expected from proposed project.

Direct Impacts:

No direct impacts to groundwater due to project activities are expected.

Secondary Impacts:

No secondary impacts to water quality, quantity and distribution are expected.

Surface Water

The project area receives an average of 13 inches of precipitation annually. No surface water resources exist inside or within 0.5 miles of the proposed project area. The closest surface water is an unnamed spring 0.6 miles west by southwest of the permit boundary, an unnamed ephemeral tributary of Black Canyon about 150 feet to the north of the permit boundary, and Freeman Creek about 1 mile to the south. Storm water flow at the site generally infiltrates directly into the ground and is diverted away from state waters by grading.

The National Wetland Inventory identified small, isolated wetlands associated with Freeman Creek and the ephemeral tributary of Black Canyon. The wetlands include emergent freshwater and riparian wetlands and occur along the creek beds well outside the proposed permit area. None of the wetlands are proposed to be disturbed as part of this project.

GCC has obtained MPDES Authorization MTR000746 under the Montana Pollutant Discharge Elimination System Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP). The Montana Department of Environmental Quality's Water Protection Bureau reviewed GCC's Storm Water Pollution Prevention Plan (SWPPP) under Sector J, Standard Industrial Code (SIC) 1499. Through the SWPPP and the Hard Rock Operating Permit Application, GCC has committed to implement best management practices (BMPs) for controlling sediment. The SWPPP and proposed operating permit BMPs are as follows:

- Install sediment capture basins, berms, ditches, slash filters and straw wattles near disturbance areas;
- Grade soil and overburden stockpiles to 3H:1V slopes to prevent erosion;
- No fuel or other industrial liquid storage facilities are proposed for the site;
- Maintain all surfaces around storage, industrial, and mining activity for grade to ensure runoff does not leave the site and ensure the runoff infiltrates within the mine boundary;

- Grade disturbed ground to provide erosion and sediment control as soon as it is practical; and,
- Reclaim disturbed ground as soon as final grade is reached by seeding (weather and season permitting).

Direct Impacts:

Precipitation would generally be expected to infiltrate into the porous shallow gravel and soil deposits. BMPs would be installed and maintained to contain storm water within the proposed mine site. Vegetative buffers adjacent to the unnamed ephemeral tributary to Black Canyon would slow overland water flow to allow sediment to settle out of the water before it reaches the drainage. Surface water that may leave the site during significant storm events could carry sediment from disturbed soils. Minor direct impacts to surface water could occur due to project activities during peak runoff or extreme storm events.

Secondary Impacts:

No secondary impacts to water quality, quantity and distribution are expected.

3. AIR QUALITY

Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?

GCC proposes to use magnesium chloride to control dust from vehicle traffic on dirt and gravel roads when necessary. Emissions from equipment (bulldozers, loaders and excavators with off-road haul trucks) would be the only other source of air pollutants. The project would not be required to have an air quality permit because the project would not produce emissions at the threshold rate.

Direct Impacts:

Short-term negligible airborne emissions would be generated from this project from dust particulate and emissions from mechanized equipment produced from mining activities. The proposed project would have minor short-term impacts on air quality.

Secondary Impacts:

No secondary impacts to air quality are expected.

4. VEGETATION COVER, QUANTITY AND QUALITY

Will vegetative communities be significantly impacted? Are any rare plants or cover types present?

Land cover in the project area is classified as a combination of Rocky Mountain Lower Montane, Foothill, and Valley Grassland with lesser areas of Big Sagebrush and Montane Sagebrush Steppe. A search of the Montana Natural Heritage Program identified the dominant native grass species for these landcover classes as including rough fescue (*Festuca campestris*), Idaho fescue (*Festuca idahoensis*), and bluebunch wheatgrass (*Pseudoroegneria spicata*). Dominant shrub species include mountain big sagebrush (*Artemisia tridentata ssp. vaseyana*), Wyoming big sagebrush (*Artemisia tridentata ssp. wyomingensis*), rubber rabbitbrush (*Ericameria nauseosa*), and green rabbitbrush (*Chrysothamnus viscidiflorus*). Tree species include Rocky Mountain juniper

(*Juniperus scopulorum*), common juniper (*Juniperus communis*), and ponderosa pine (*Pinus ponderosa*). No vascular plant species of concern (SOC) were identified in the proposed project area.

Three Montana State-listed and one Meagher county-listed noxious weeds were recorded in the Study Area. The noxious weed populations were widely scattered and generally located near the existing surface disturbances such as roads and mine exploration pits. The noxious weeds located at the site include:

Montana State List

- Canada thistle (*Cirsium arvense*)
- Houndstongue (*Cynoglossum officinale*)
- Spotted knapweed (*Centaurea maculosa*)

Meagher County List

- Musk thistle (*Carduus nutans*)

Direct Impacts:

Surface soil disturbance could allow for the propagation of weeds. All surface disturbances would be reclaimed and seeded with an appropriate seed mix. As soon as is practicable mined areas would be backfilled with overburden, contoured to match the surrounding topography, covered with stockpiled soil, and seeded with a live, native seed mix. All other compacted areas in the proposed project area would be ripped and seeded. After closure of the mine all disturbances would be reclaimed.

Reclaimed areas would be seeded with a DEQ approved seed mix. Seed tags would be retained, and copies would be submitted to DEQ with the Annual Progress Report. Seedbed preparation would include broadcast seeding in the spring or fall. Reclamation vegetation would be monitored annually for success.

If the operating permit is approved, weed control during and after annual and final reclamation would be required until reclamation vegetation is established. Weed control would be a condition of an operating permit and GCC would be required to control the spread of noxious weeds. The project area would be subject to the Meagher County Noxious Weed Management Plan as described in “Appendix 4 - Meagher County Weed Management” of the operating permit application. If noxious weeds are observed, the weeds would be controlled using herbicide applications, grazing, cutting, burning and bio-controls. Prompt replacement of topsoil would facilitate the growth environment for native seeded and planted species. Based on concurrent reclamation plans and a commitment to implement a weed control plan, impacts to vegetative cover, quantity or quality resulting from this project would be short-term and minor.

Secondary Impacts:

No secondary impacts to vegetation cover, quantity or quality are expected.

5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS

Is there substantial use of the area by important wildlife, birds, or fish?

The proposed project is on private land and adjacent to private ranch land on three sides. A State Trust land “checkerboard” parcel exists to the south of the proposed mine site and is leased for livestock grazing. Most of the habitat in the immediate vicinity of the proposed project area is Rocky Mountain Lower Montane, Foothill, and Valley Grassland (48%) with lesser areas of Big Sagebrush (29%), Montane Sagebrush Steppe (8%) and other types of habitat (15%). These widespread ecological systems occur throughout much of central Montana and are typified by cool-season perennial bunch grasses, forbs, and shrub cover. Approximately 85% of the proposed project area has been previously disturbed by gypsum prospecting activities from the late 1950s to the early 1990s. Generally, between 25 and 50% of the previously disturbed land is clear of vegetation associated with approximately 15 prospect pits and disturbed surface areas.

Common wildlife such as elk, mule deer, antelope, black bears, coyote, and mountain lions may use the project area and may be temporarily displaced while machinery and equipment are operating. Bird species in the area could include many species of migratory upland birds, such as passerine songbirds as well as game species including sharp-tailed grouse (*Tympanuchus phasianellus*). Birds of prey observed in the area include golden eagle (*Aquila chrysaetos*), ferruginous hawk (*Buteo regalis*), and red-tailed hawk (*Buteo jamaicensis*).

Direct Impacts:

Impacts to terrestrial, avian, and aquatic life and habitats would potentially include temporary displacement of animals. However, habitat found within the project area is common throughout the larger ecosystem. Any displaced animals could find other suitable habitat nearby and return to the project area shortly after the project conclusion. Although some antelope and other wildlife habitat may be impacted until the project disturbance is reclaimed, ample non-developed land exists around the proposed project area. Based on plans for concurrent reclamation and the proximity of abundant surrounding habitat, impacts to terrestrial, avian, amphibious, and aquatic life and habitat would be short-term and minor.

Secondary Impacts:

No secondary impacts to terrestrial, avian, and aquatic life and habitats stimulated or induced by the direct impacts analyzed above are expected.

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?

A search of the Montana Natural Heritage Program (MTNHP) identified potential habitat for 118 mammal, reptile, invertebrate, bird, and amphibian species of concern (SOC), potential SOC, sensitive, or threatened species. No endangered species were identified. Habitat for these species is common in the region and not unique to the proposed project area.

Federally listed threatened species that could potentially occur in the area include Canada lynx (*Lynx canadensis*) and grizzly bear (*Ursus arctos horribilis*) as reported in the United States Fish and Wildlife Service’s Information for Planning and Consultation report.

The 2020 Grizzly Bear Recovery Zones and Estimated Distributions show that neither the Big Belt

nor Little Belt mountains are within the estimated current distribution area. The proposed Lingshire Quarry is in a high valley between the Big Belt Mountains to the west and the Little Belt mountains to the east. There was one game camera sighting of a grizzly bear in the Big Belt mountains in 2017.

The Canada lynx is a North American boreal and subalpine forest carnivore whose populations are strongly tied to its primary prey, the snowshoe hare (*Lepus americanus*). East of the Continental Divide the subalpine forests inhabited by Canada Lynx occur at elevations between 5,000 and 8,000 feet above sea level. The elevation of the proposed project area is approximately 4,900 feet above sea level and there are subalpine forests in both the Big Belt and Little Belt mountains.

The following SOC are likely to occur in the region of the proposed project area: Wolverine (*Gulo gulo*), Hoary Bat (*Lasiurus cinereus*), Low Beardtongue (*Penstemon humilis*), Evening Grosbeak (*Coccothraustes vespertinus*) and Golden Eagle (*Aquila chrysaetos*). The only wildlife SOC that has been recorded near the project area is the Golden Eagle.

There are no wetlands located within the proposed project area associated with the Lingshire Quarry.

Direct Impacts:

The project is in a remote area. While potential habitat for threatened species may exist, the surrounding area is comprised of large undeveloped spaces including private ranchland and public forests. Similar habitat exists in large areas surrounding the proposed project area. Due to the nature of the proposed activities and the similar surrounding habitat, the impacts to SOC's would be short-term and negligible.

Impacts to unique, endangered, fragile, or limited environmental resources would potentially include temporary displacement of birds or mammals. Habitat within the project area is common throughout the larger ecosystem and any animals displaced could find other nearby suitable habitat and return to the project area shortly after the project conclusion.

Based on the common habitat available for the SOC likely to occur in or near the project area in the surrounding undeveloped spaces, impacts to unique, endangered, fragile, or limited environmental resources would be short-term and negligible.

Secondary Impacts:

No secondary impacts to unique, endangered, fragile, or limited environmental resources that could be stimulated or induced by the direct impacts analyzed above are expected.

7. HISTORICAL AND ARCHAEOLOGICAL SITES

Are any historical, archaeological, or paleontological resources present?

A Class III Cultural Resources Inventory was completed on September 11th and 12th, 2021. The inventory identified approximately 15 prospect pits and disturbed surface area associated with historic gypsum mining. **Figure 4** is a photograph of some of the historic prospecting pits within the proposed disturbance area. The historic gypsum mine claim area is not recommended as eligible for listing in the National Register of Historic Places (NRHP) maintained by the National Park

Service (NPS) because it:

- does not appear to have an association with events that have made a significant contribution to the broad patterns of history;
- is not associated with lives of significant persons in the past;
- has no significant information regarding individuals associated with the site could be found;
- is not associated with a design style; and,
- does not possess distinctive or unique engineering or construction characteristics of design, workmanship, or materials.

Figure 4. Typical Historic Prospecting Pits



One previously recorded site (24ME340) is listed approximately 0.75 miles northeast of the project area in Black Canyon. Site 24ME340 would not be disturbed by the proposed mine.

Direct Impacts:

The proposed mine would occur on private land. The historic gypsum mining pits would be impacted as part of this project, and the impact to these sites would be long-term and major because the proposed quarry would mine through many of the historic pits. The impact to the historic mining pits would not be significant because the Cultural Resources Inventory did not recommend these features as eligible for listing in the NRHP maintained by the NPS.

Secondary Impacts:

No secondary impacts to historical and archaeological sites are expected.

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?

The proposed mine project would occur on private land. The project area would be visible from Lingshire Road that bisects the proposed permit boundary. The nearest year-round resident is at least 2 miles to the northwest of the project site. Final reclamation would be required to be completed within two years of the proposed project end unless a longer period of project disturbance was incorporated into the proposed Operating Permit.

Direct Impacts:

The proposed project would be visible to viewers on Lingshire Road. Aesthetic impacts from the proposed mine project would not be excessive to receptors in the area due to the lack of mine support buildings or any ore processing equipment. Reclamation would be completed annually in the quarry areas as mining is completed in each phase of mining. Final reclamation would be required within two years of completion of the project unless a longer timeframe was approved by DEQ and incorporated into the proposed Operating Permit. Because of the remote location of the proposed project and minimal traffic on Lingshire Road, impacts to aesthetics would be short-term and negligible.

Secondary Impacts:

No secondary impacts to area aesthetics are expected because of the proposed work.

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?

No local resources would be used for this project. DEQ searched several websites and databases offered by the following entities for commercial activities or projects demanding the use of the limited environmental resources of land, water, air, or energy that would be impacted by the proposed project.

- Montana Department of Natural Resource and Conservation (DNRC)
- Montana Department of Transportation
- Meagher County
- United States Department of Interior, Bureau of Land Management (BLM)
- United States Forest Service (USFS)

All disturbance related to this project would be reclaimed at the conclusion of the project. No energy transmission infrastructure would be required by the proposed project.

Direct Impacts:

Any impacts on the demand to environmental resources of land, water, air or energy would be short-term and negligible as a result of this project.

Secondary Impacts:

No secondary impacts to environmental resources of land, water, air, or energy are expected.

10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES

Are there other activities nearby that will affect the project?

DEQ searched the websites and databases offered by the following entities to identify nearby activities that may affect the project:

- Montana Department of Natural Resource and Conservation (DNRC);
- Montana Department of Transportation;
- Meagher County;
- United States Department of Interior, Bureau of Land Management (BLM); and,
- United States Forest Service (USFS).

No other projects were identified when searching the above information resources.

Direct Impacts:

Impacts on other environmental resources are short-term and negligible.

Secondary Impacts:

No secondary impacts to other environmental resources are expected because of the proposed work.

11. HUMAN HEALTH AND SAFETY

Will this project add to health and safety risks in the area?

The applicant would be required to adhere to all applicable state and federal safety laws. Industrial work such as the work proposed by the applicant is inherently dangerous. The Mine Safety and Health Administration (MSHA) has developed rules and guidelines to reduce the risks associated with this type of labor. Few, if any, members of the public would be in the project area during mine operations due to site-controlled access.

Direct Impacts:

Impacts to human health and safety would be short-term and negligible because of this project.

Secondary Impacts:

No secondary impacts to human health and safety are expected because of the proposed project.

12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION

Will the project add to or alter these activities?

No impacts to industrial, commercial, or agricultural activities and production were identified during this environmental analysis.

Direct Impacts:

All disturbance related to this project would be reclaimed at the conclusion of the project. Reclamation would be completed annually in the quarry areas as mining is completed in a given mine block. Completed reclamation would be required within two years of completion of the project unless a longer timeframe was approved by DEQ and incorporated into the proposed operating permit. Impacts on the industrial, commercial, and agricultural activities and production in the area would be short-term and negligible.

Secondary Impacts:

No secondary impacts to industrial, commercial, and agricultural activities and production are expected because of the proposed work.

13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT

Will the project create, move or eliminate jobs? If so, estimated number.

The proposed project would employ two seasonal workers.

Direct Impacts:

Significant positive or negative impacts on quantity and distribution of employment would not likely result from this project. The project plan calls for up to two employees and/or contractors at the site. The employees would be employed on a seasonal basis. No positive or negative direct impacts to employment are expected from this project.

Secondary Impacts:

No secondary impacts to the quantity and distribution of employment are expected because of the proposed project.

14. LOCAL AND STATE TAX BASE AND TAX REVENUES

Will the project create or eliminate tax revenue?

The mining of gypsum creates local jobs, providing tax revenue to the state and/or the federal government.

Direct Impacts:

Some positive, yet limited, benefit to the local and state economy could result from this project. However, due to the nature of the proposed mine and the limited number of expected employees (two), minimal tax revenue from income or expenses are expected from the proposed project. The impact to local and state tax base and tax revenue would be short-term and minor.

Secondary Impacts:

Minor beneficial secondary impacts to local and state tax base and tax revenues would be expected from the proposed project.

15. DEMAND FOR GOVERNMENT SERVICES

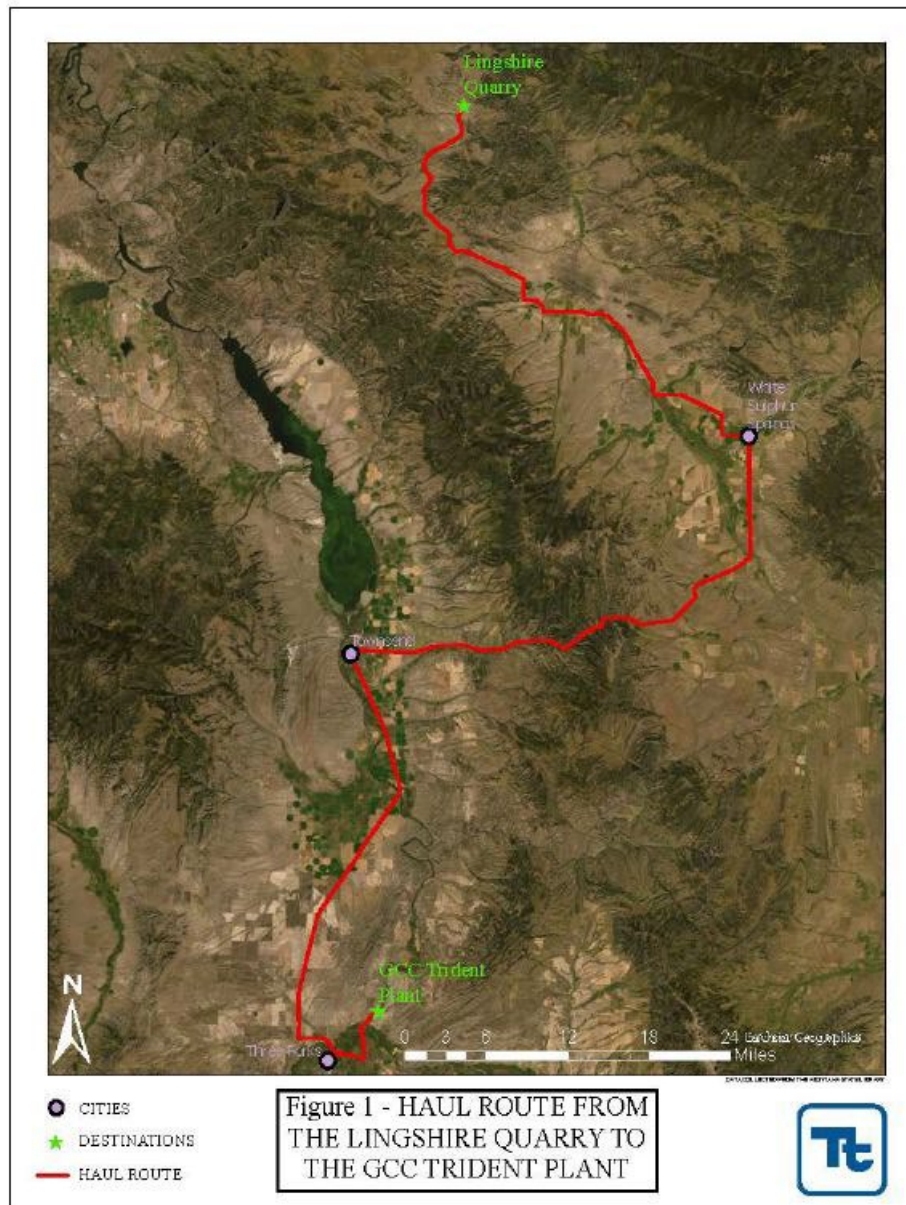
Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?

Lingshire Road (a gravel county-maintained roadway) would be used to access the proposed project. Lingshire Road connects Benton Gulch Road to the south with Upper Millegan Road to the north. Between three to six ore trucks per day would travel from the Lingshire Quarry to the Trident Plant near Three Forks, Montana with a maximum quantity of 25,000 tons per year. Trucks leaving the quarry area would travel south along Lingshire Road until it intersects Highway 360 and then continue until reaching White Sulphur Springs where they would travel on Highway 12 until reaching Townsend, MT. Trucks would then travel on Highway 287 to Interstate 90 and then on Interstate 90 (I-90) and the I-90 frontage road until the Trident Road to the GCC Plant (See **Figure 5**). The ore trucks would carry 24-26 tons of gypsum per truck and 10-12 tons of gypsum per pup trailer. Table 3 shows the 2021 Average Annual Daily Traffic Counts for 10 different road segments along the proposed haul route and the percentage increase caused by six haul trucks.

Table 3: 2021 Average Annual Daily Traffic Counts.

Road Segment	Number of Vehicles	Percent (%) Change due to Proposed Haul Trucks
Lingshire Road	82	7.3
Benton Gulch Road	77	7.8
MT HWY 360	372	1.6
HWY 12 South of White Sulphur Springs	1,111	0.5
HWY12 through Deep Creek	870	0.7
HWY 12 in Townsend	2,370	0.3
HWY 287 South of Townsend	6,201	0.1
Interstate 90	16,845	0.04
Route 205 (I-90 Frontage Road)	1,522	0.4
Route 286 South of Trident	503	1.2

Figure 5. Haul Route from Lingshire Quarry to GCC Trident Plant



Fire protection would be provided by the White Sulphur Springs Fire Department, located about 47 miles southeast of the proposed project area. The Meagher County Sheriff's Department may provide limited law enforcement presence to the surrounding area. Emergency Medical Services would be based in Great Falls, MT, or White Sulphur Springs, MT, located at least 47 miles from the project area. GCC has prepared an Emergency Action Plan which identifies the primary hazard as operating during a red flag warning forecast issued by the National Weather Service.

The proposed project would employ up to two part-time employees on a seasonal basis. There is no annual traffic information for the number of vehicles using Lingshire Road. However recreational opportunities in the area increase vehicle traffic from late spring through fall.

Direct Impacts:

The proposed project would be located on private land. Impacts would be short-term and negligible on the demand for government services because of the limited number of employees (two) and the seasonal nature of the work. All operations would be subject to local, seasonal restrictions as they apply.

Secondary Impacts:

No secondary impacts to the demand for government are expected because of the proposed work.

16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS

Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?

The proposed mine would occur entirely on private land. The project area would be subject to the Meagher County Weed Management Plan as proposed in the operating permit application.

Direct Impacts:

DEQ is not aware of any other locally adopted environmental plans or goals that would impact this proposed project or the project area. No impacts from or to locally adopted environmental plans and goals would be expected because of this project.

Secondary Impacts:

No secondary impacts to locally adopted environmental plans and goals are expected because of the proposed work.

17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES

Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?

The proposed mine would occur entirely on private land, with no access to public recreational opportunities. There are no designated wilderness or recreational areas in the vicinity of the project area. One section of Montana State Trust Land is located adjacent and south of the proposed mine area and the Bureau of Land Management administers isolated sections one mile northwest of the proposed mine area. Discontinuous parcels of the Helena-Lewis and Clark National Forest are within four miles to the west and two miles to the south of the proposed permit area. There are no Forest Service roads open to motorized vehicles leading to the proposed permit area and no designated hiking trails in the vicinity. The nearest notable recreation area to the proposed mine site is the Smith River which is over three miles to the west. The county road which bisects the proposed permit boundary is used by boaters on the Smith River to shuttle vehicles from the Smith River put-in location at Camp Baker to the takeout location at Eden Bridge.

Direct Impacts:

Based on the location of the proposed mine and the lack of public trails, no impacts to the access or quality of recreational and wilderness activities would result from the project.

Secondary Impacts:

No secondary impacts to access and quality of recreational and wilderness activities are expected because of the proposed work.

18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING

Will the project add to the population and require additional housing?

Meagher County had a population of 1,964 people at the 2020 census. The proposed project area is remote, with the nearest residential house located at least 2.5 miles to the northwest of the project site. As noted above in “Section 13. Quantity and Distribution of Employment,” the proposed project would not be expected to add to or decrease the local population or employment. The proposed project would employ up to two part-time personnel, including subcontractors.

Direct Impacts:

Due to the seasonal nature of the proposed project and the proposed number of employees, no impact to population density and housing are expected from this project.

Secondary Impacts:

No secondary impacts to density and distribution of population or housing are expected because of the proposed work.

19. SOCIAL STRUCTURES AND MORES

Is some disruption of native or traditional lifestyles or communities possible?

There are no native or traditional lifestyles or communities near the proposed mine.

Direct Impacts:

The proposed mine would occur entirely on private land. Due to the low population density nearby and history of gypsum mining in this area, no impact to native or traditional lifestyles are expected.

Secondary Impacts:

No secondary impacts to social structures and mores are not expected because of the proposed work.

20. CULTURAL UNIQUENESS AND DIVERSITY

Will the action cause a shift in some unique quality of the area?

Direct Impacts:

The proposed project is in a historic mining district in an area with existing legacy mining disturbance. Due to the history of gypsum mining in this area, no impacts to cultural uniqueness and diversity are expected from this project.

Secondary Impacts:

No secondary impacts to cultural uniqueness and diversity are expected as a result of the proposed work.

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. Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required. 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 on the use of private property, and analyze such alternatives.

The proposed project would take place on private land leased by the applicant. DEQ's approval of Operating Permit No. 00206 with conditions would affect the applicant's real property. DEQ has determined, however, that the permit conditions are reasonably necessary to ensure compliance with applicable requirements under the Metal Mine Reclamation Act and demonstrate compliance with those requirements or have been agreed to by the applicant. Therefore, DEQ's approval of Operating Permit No. 00206 would not have private property-taking or damaging implications.

Montana's Private Property Assessment Act, Section 2-10-101, et seq., MCA establishes an orderly and consistent internal management process for state agencies to evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions, as those clauses are interpreted and applied by the United States and Montana Supreme Courts.

Section 2-10-104, MCA required Montana's Attorney General to develop guidelines, including a checklist, to assist state agencies in identifying and evaluating proposed agency actions that may result in the taking or damaging of private property. In turn, Section 2-10-105(1) and (2), MCA set out a process for each State Agency to evaluate whether a State action may result in an unconstitutional taking of private property. Those provisions direct that:

(1) Each state agency shall assign a qualified person or persons in the state agency the duty and authority to ensure that the state agency complies with this part. Each state agency action with taking or damaging implications must be submitted to that person or persons for review and completion of an impact assessment. The state agency may not take the action unless the review and impact assessment have been completed, except that the action with taking or damaging implications may be taken before the review and impact assessment are completed if necessary to avoid an immediate threat to public health or safety.

(2) Using the attorney general's guidelines and checklist, the person shall prepare a taking or damaging impact assessment for each state agency action with taking or damaging implications that includes an analysis of at least the following:

- (a) the likelihood that a state or federal court would hold that the action is a taking or damaging;
- (b) alternatives to the action that would fulfill the agency's statutory obligations and at the same time reduce the risk for a taking or damaging; and,

(c) the estimated cost of any financial compensation by the state agency to one or more persons that might be caused by the action and the source for payment of the compensation.

DEQ has utilized the Montana Attorney General's Checklist and analytical Flowchart revised in January 2011 to evaluate the legal impact to property rights resulting from the proposed project (Attachment 1). These flowchart questions have been applied by DEQ to the proposed project area, which takes place on private real property owned by the Permittee, GCC, as follows:

- (1) Does the action pertain to land or water management or environmental regulation affecting private real property or water rights? Answer: Yes.
- (2) Does the action result in either a permanent or indefinite physical occupation of private property? Answer: No.
- (3) Does the action deprive the owner of all economically beneficial use of the property? Answer: No.
- (4) Does the action require a property owner to dedicate a portion of property or to grant an easement? Answer: No.
- (5) Does the action deny a fundamental attribute of ownership? Answer: No.
- (6) Does the action have a severe impact on the value of the property? Answer: No.
- (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? Answer: No.

Given the results from the legal flowchart questions, DEQ has determined that the permit conditions are reasonably necessary to ensure and demonstrate compliance with applicable requirements of the Metal Mine Reclamation Act, Section 82-4-301, et seq., MCA, and have been sought by the Applicant and private property Owner. Therefore, no taking or damaging of private property rights will occur because of DEQ's approval of the Permit Application by the private property Owner, Galt Ranch LP.

22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES

Due to the nature of the proposed mine, and the limited project duration, no further direct or secondary impacts are anticipated from this project.

ALTERNATIVES CONSIDERED

In addition to the proposed action, DEQ also considered a no action alternative. Under the no action alternative DEQ would deny the approval of Operating Permit No. 00206. The applicant would lack the authority to mine for minerals on private land. The applicant would still be allowed to conduct casual use-level activities but would not be able to use mechanized equipment. Any potential impacts that would be authorized under Operating Permit No. 00206 would not occur. The no action alternative forms the baseline from which the impacts of the proposed action can be

measured.

In addition to the proposed action alternative and the no action alternative, DEQ would usually consider an additional action alternative that incorporates mitigation measures identified by DEQ during preparation of the EA. However, in this instance DEQ engaged in a lengthy and in-depth analysis of the proposed action by GCC prior to the initiation of the environmental review for the permit application. DEQ issued four deficiency letters to GCC prior to determining its permit application to be complete and compliant. Mitigation measures that DEQ identified during the completeness and compliance review were incorporated into the proposed action alternative.

PREFERRED ALTERNATIVE

ARM 17.4.617(9) requires DEQ to identify in an environmental assessment the agency's preferred alternative, if any, and the reasons for the preference. DEQ identifies the Proposed Action as the preferred alternative. Approval of the Proposed Action would be consistent with Montana's Air and Water Quality Acts and provide reclamation that is acceptable under the MMRA. The Proposed Action would not result in significant environmental impacts.

PUBLIC INVOLVEMENT

Public involvement for this proposed action consisted of internal and external efforts to identify substantive issues and/or concerns related to the proposed project. Notice of the Operating Permit application was published on January 19, 2022. No comments were received. Public involvement is ongoing and includes a public comment period which will end on January 9, 2023.

Internal review of the environmental assessment document was completed by DEQ staff. The internal review included queries to the following websites/databases/personnel:

- Montana State Historic Preservation Office (SHPO);
- Montana Department of Natural Resource and Conservation (DNRC);
- Montana Department of Environmental Quality (DEQ);
- Montana Department of Transportation;
- Meagher County;
- US Geological Society – Stream Stats;
- Montana Natural Heritage Program;
- Montana Cadastral Mapping Program;
- Montana Groundwater Information Center (GWIC); and
- Montana Bureau of Mines and Geology; and,

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION

The proposed project would be fully located on private land. All applicable state and federal rules must be adhered to, which may also include other state, federal, or tribal agency jurisdiction.

CUMULATIVE IMPACTS

Cumulative impacts are the collective impacts of the Proposed Action on the human environment within the borders of Montana when considered in conjunction with other past and present actions related to the Proposed Action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.

This environmental review analyzes the proposed project submitted by the applicant. Most impacts from the project would be temporary, would be reclaimed at the conclusion of the project, and would not contribute to the long-term cumulative effects of mining in the area. The direct impact to the historic gypsum mining pits would be long-term and major because the proposed quarry would mine through many of the historic pits. However, the impact to the historic mining pits would not be significant because these features are not recommended as eligible for listing in the Natural Register of Historic Places maintained by the National Park Service

Final reclamation would be required within two years of completion of the project unless a longer project disturbance was later incorporated into an Operating Permit. No other DEQ, DNRC, BLM, or USFS regulated projects were identified in the project vicinity.

DEQ considered all impacts related to this project and secondary impacts that may result when considered in conjunction with other past and present actions related to the Proposed Action. No cumulative impacts from approved and proposed regulated activities in the region of GCC's Lingshire Quarry were identified in this environmental assessment. Cumulative impacts related to this project would not be significant.

NEED FOR FURTHER ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS

When determining whether the preparation of an environmental impact statement is needed, DEQ is required to consider the seven significance criteria set forth in ARM 17.4.608, which are as follows:

1. The severity, duration, geographic extent, and frequency of the occurrence of the impact;
2. The probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;
3. Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts;
4. The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values;
5. The importance to the state and to society of each environmental resource or value that would be affected;
6. Any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and,
7. Potential conflict with local, state, or federal laws, requirements, or formal plan.

Under the Proposed Action, GCC would disturb up to 165.6 acres over an approximate 30-year period. GCC proposes to disturb up to 37.2 acres in the first three phases of mining. GCC is required to perform concurrent reclamation and complete reclamation not more than two years after completion of an area that is no longer being used for mining activities. Final reclamation of all disturbances must be completed within two years of the end of the 30-year period.

Land cover in the project area generally includes Rocky Mountain Lower Montane, Foothill and Valley Grassland with lesser areas of big Sagebrush and Montane Sagebrush Steppe. This habitat is common throughout the larger ecosystem and any animals displaced could find other nearby

suitable habitat and return to the project area shortly after the project conclusion. Concurrent and final reclamation would include reseeding disturbed land with an approved seed mix. GCC would reclaim all disturbances to, pasture, or cropland habitat suitable for wildlife habitat. Storm water control through BMPs and vegetative buffers around creeks would decrease the suspended sediment reaching surface water.

DEQ has not identified any significant impacts associated with the proposed mine activities on the environmental resources discussed above. Approval of Operating Permit No. 00206 does not set any precedent that commits DEQ to future actions with significant impacts or a decision in principle about such future actions. If the applicant submits another license or an operating permit application, DEQ is not committed to issuing those authorizations. DEQ would conduct an environmental review for any subsequent authorizations sought by the applicant that require environmental review. DEQ would make a permitting decision based on the criteria set forth in the MMRA. Approval of Operating Permit No. 00206 does not set a precedent for DEQ's review of other applications for operating permits, including the level of environmental review. The level of environmental review decision is made based on a case-specific consideration of the criteria set forth in ARM 17.4.608.

Finally, DEQ does not believe that the proposed mine activities by the applicant have any growth-inducing or growth-inhibiting aspects or conflict with any local, state, or federal laws, requirements, or formal plans.

Based on a consideration of the criteria set forth in ARM 17.4.608, the proposed mine activities are not predicted to significantly impact the quality of the human environment. Therefore, preparation of an environmental assessment is determined to be the appropriate level of environmental review under MEPA.

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Eric Dahlgren

December 7, 2022

Signature

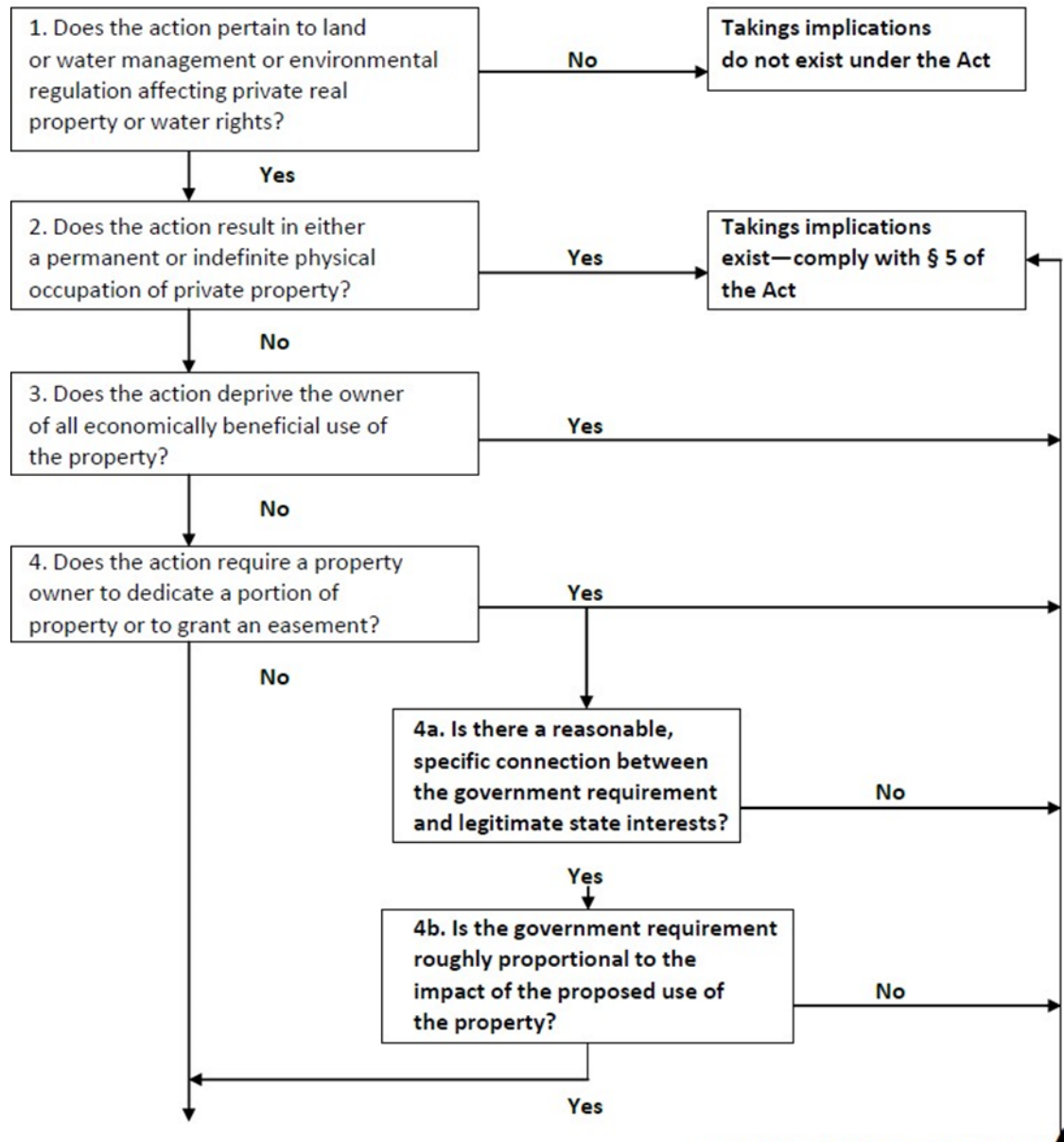
Date

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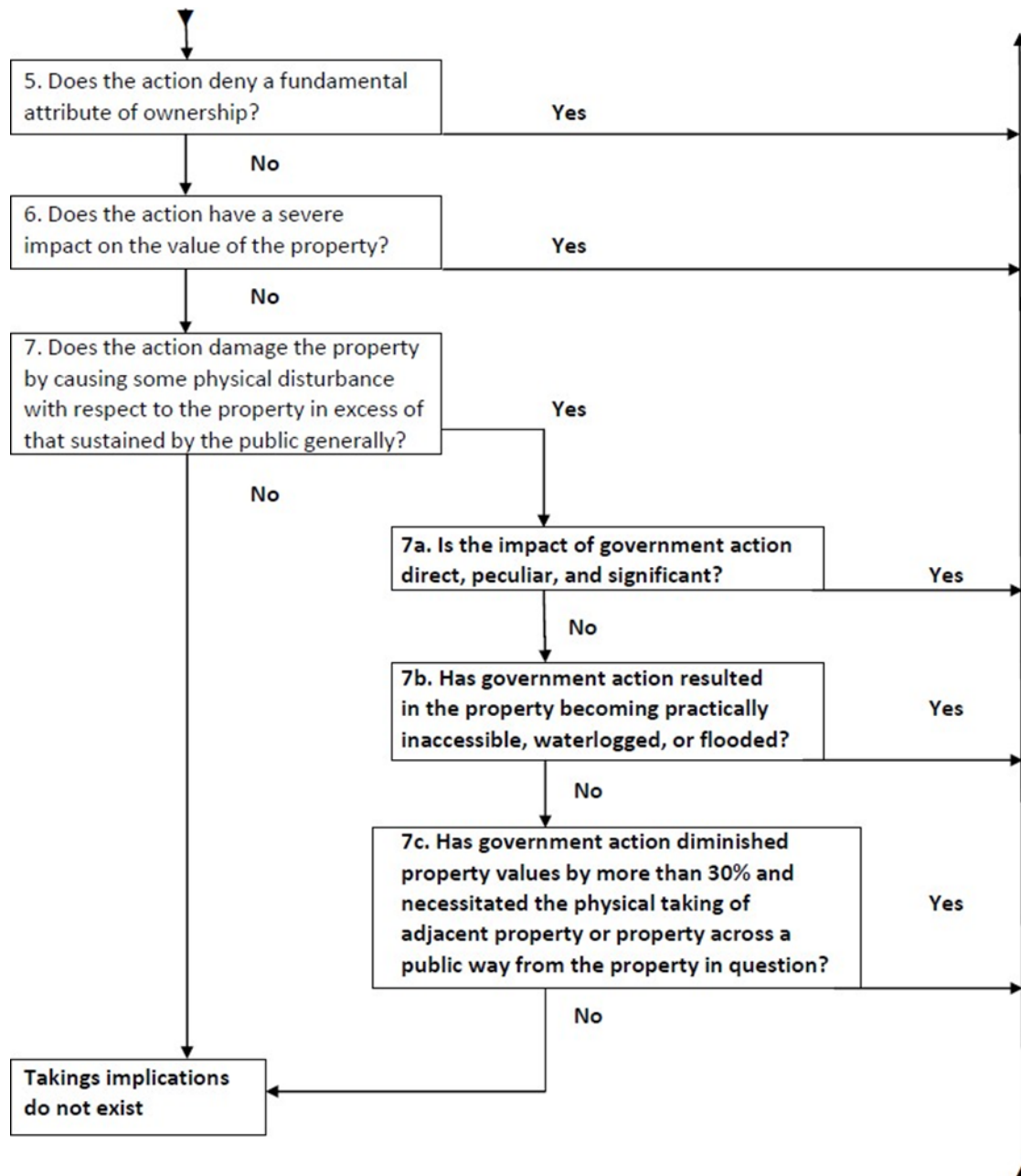
ATTACHMENT A:.
Montana Department of Justice
PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST FLOWCHART
(January 2011)

Does the proposed agency action have takings implications under the Private Property Assessment Act?

START HERE:



CHECKLIST FLOWCHART January 2011



ATTACHMENT 1
Montana Department of Justice
PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST
(January 2011)

Does the proposed agency action have takings implications under the private property assessment act?

YES

NO

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights? |
| _____ | _____ | 2. Does the action result in either a permanent or indefinite physical occupation of private property? |
| _____ | _____ | 3. Does the action deprive the owner of all economically beneficial use of the property? |
| _____ | _____ | 4. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO , skip questions 4a and 4b and continue with question 5.] |
| _____ | _____ | 4a. Is there a reasonable, specific connection between the government requirement and legitimate state interests? |
| _____ | _____ | 4b. Is the government requirement roughly proportional to the impact of the proposed use of the property? |
| _____ | _____ | 5. Does the action deny a fundamental attribute of ownership? |
| _____ | _____ | 6. Does the action have a severe impact on the value of the property? |
| _____ | _____ | 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 , do not answer questions 7a-7c.] |

- | | | |
|-------|-------|--|
| _____ | _____ | 7a. Is the impact of government action direct, peculiar, and significant? |
| _____ | _____ | 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded? |
| _____ | _____ | 7c. Has 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, 5, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 4a or 4b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, Mont. Code Ann. § 2-10-105, 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.