

MT DEQ

Final Environmental Assessment

Proposed OP#00199 Bullock Contracting, LLC

Table of Contents

COMPLIANCE WITH THE MONTANA ENVIRONMENTAL POLICY ACT.....	1
PROPOSED ACTION	1
PURPOSE AND NEED FOR PROPOSED ACTION	1
APPLICANT’S PROPOSED ACTION	1
Figure 1: Bullock Contracting, LLC proposed permit area location	2
Figure 2: Proposed permit disturbance area.....	3
Table 1: Seed mix	5
SUMMARY OF POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS	6
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE	6
Figure 3: Soils map for the Devil’s Elbow Quarry.....	7
Table 2: Typical Soil Profiles	7
2. WATER QUALITY, QUANTITY, AND DISTRIBUTION	8
Figure 4: Property Owners and Wells adjacent to the proposed permit boundary area	9
3. AIR QUALITY	10
4. VEGETATION COVER, QUANTITY AND QUALITY	11
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS	11
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES	13
7. HISTORICAL AND ARCHAEOLOGICAL SITES.....	14
8. AESTHETICS.....	15
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY	15
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES.....	16
11. HUMAN HEALTH AND SAFETY	16
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION.....	17
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT.....	17
14. LOCAL AND STATE TAX BASE AND TAX REVENUES	17
15. DEMAND FOR GOVERNMENT SERVICES.....	18
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS	18
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES.....	19
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING	19

19. SOCIAL STRUCTURES AND MORES	20
20. CULTURAL UNIQUENESS AND DIVERSITY.....	20
21. PRIVATE PROPERTY IMPACTS	20
22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES.....	21
ALTERNATIVES CONSIDERED	21
PUBLIC INVOLVEMENT	21
RESPONSE TO PUBLIC COMMENTS	21
OTHER GOVERNMENTAL AGENCIES WITH JURSDICTION.....	22
CUMULATIVE EFFECTS	22
NEED FOR FURTHER ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS	22
Table 3: Summary of potential impacts that could result from Operating Permit #00199...	24
17. Access to and Quality of Recreational and Wilderness Activities	26
SUMMARY	27
CITATIONS	28

**Hard Rock Mining Bureau
ENVIRONMENTAL ASSESSMENT**

COMPANY NAME: Bullock Contracting, LLC
OPERATING PERMIT: Pending Operating Permit #00199
LOCATION: York Road, Helena, MT
S23, T11 N, R02 W
COUNTY: Lewis and Clark County
PROPERTY OWNERSHIP: FEDERAL ___ STATE ___ PRIVATE X

COMPLIANCE WITH THE MONTANA ENVIRONMENTAL POLICY ACT

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review for state actions that may have an impact on the human environment. The proposed action is considered to be a state action that may have an impact on the human environment and, therefore, the Department of Environmental Quality (DEQ) must prepare an environmental review. This environmental assessment (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 need for additional environmental review based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608.

PROPOSED ACTION

DEQ would approve an application for Operating Permit #00199 for Bullock Contracting, LLC, to operate a hard rock mine at a previously unpermitted site near the town of Helena in Lewis and Clark County, Montana.

PURPOSE AND NEED FOR PROPOSED ACTION

DEQ determined that the application for Operating Permit #00199 is complete and compliant on February 5, 2020. When an application for a proposed operating permit is complete and compliant, DEQ is required under Section 82-4-337(d), Montana Code Annotated (MCA), to detail in writing the substantive requirements of the Metal Mine Reclamation Act (MMRA) and how the proposed action complies with those requirements. The compliance determination finalized on February 5, 2020, sets forth DEQ's determination that the Bullock Contracting, LLC, proposed operating permit application complies with the substantive requirements of the MMRA. The proposed operating permit would be issued under the MMRA, Title 82, Chapter 4, Part 3, MCA.

APPLICANT'S PROPOSED ACTION

Background:

Bullock Contracting, LLC (the applicant) has applied for an operating permit to incorporate a currently unpermitted mine, the Devil's Elbow Quarry, into proposed Operating Permit #00199.

Location:

The Devil's Elbow Quarry is approximately 13 miles northeast of Helena, MT. The access road is located off York Road (Montana Highway 280), approximately 0.6 miles northeast of Peaks View Drive. The active quarry is directly west of York Road.

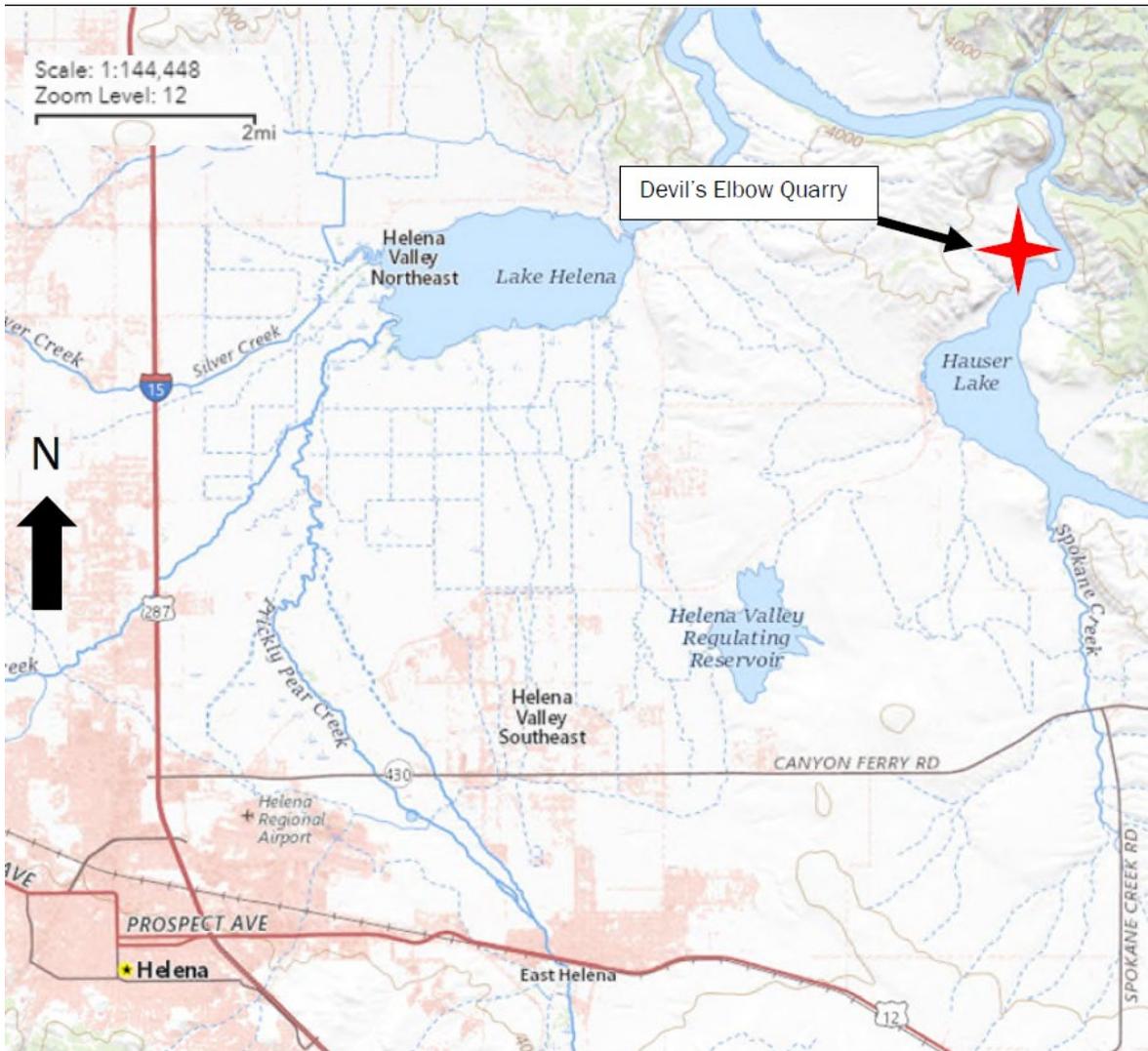


FIGURE 1: BULLOCK CONTRACTING, LLC PROPOSED PERMIT AREA LOCATION

Analysis Area:

The area being analyzed as part of this environmental review includes the immediate project area (Figure 1) as well as immediate downstream water sources and neighboring lands surrounding the analysis area as reasonably appropriate for the impacts being considered.

Bullock Contracting, LLC is applying for an operating permit at their existing mine site, currently being operated without the necessary permit or approval. The option of applying for an operating permit was a corrective action identified in a June 5, 2019, DEQ violation letter. The violation letter was initiated by DEQ to Bullock Contracting, LLC for mining without a permit.

Scope of Activity:

The site is currently operating without a permit. The proposed permit boundary would be 69 acres (Figure 2). The proposed 25-year disturbance area is 36.9 acres, 11.8 acres more than the current disturbance of 25.2 acres.

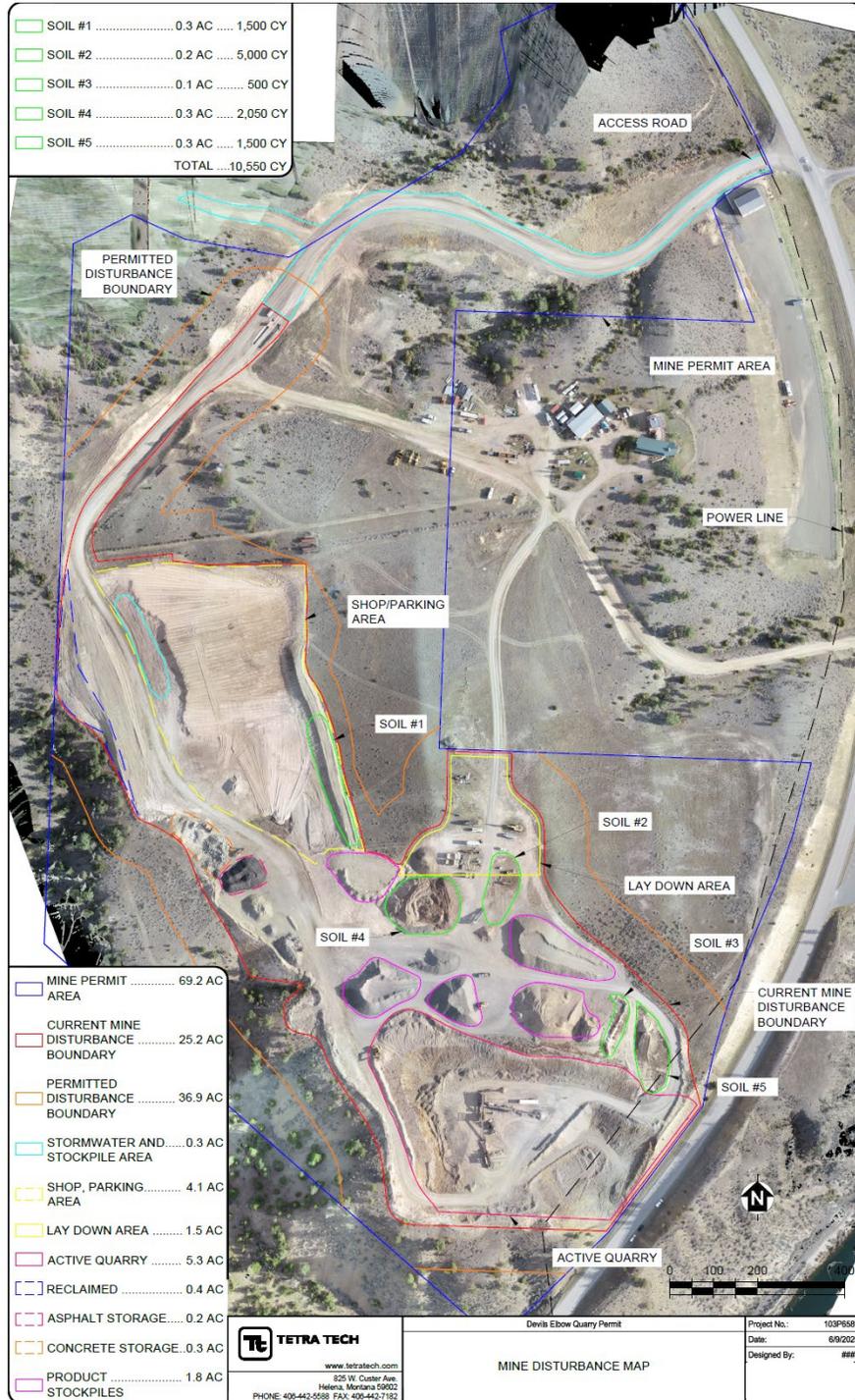


FIGURE 2: PROPOSED PERMIT DISTURBANCE AREA

Activities at the site would be a continuance of the current practice of mining and producing crushed rock for construction aggregate. Other than the addition of a shop and parking area, no additional roads or facilities would be constructed on site. The quarrying would excavate the current quarry site to approximately 65 feet below the natural surface. A crusher would be used on the quarry site to help create the desired product size. Approximately 200 tons of crushed rock would be produced per day. Ten truckloads of material would be hauled off site daily.

Duration of Activity:

Mining activity would take place year-round, with hours of expected operation for mining, crushing, and screening to be Monday through Saturday from 7 AM until 7 PM. Loading, hauling, and other maintenance activities would occur in daylight hours Monday through Sunday. The operator would mine the site until the intended elevation of the post mine access road is reached, which is estimated to be 25 years.

Personnel and Equipment:

The quarry would be expected to employ 4-6 people on site during working hours. On site equipment would include screens and crushers, generators, loaders, dozers, excavators, and haul trucks.

Reclamation Plan:

Access roads would be reduced from the required haul truck width to 60-foot right-of-way size; areas outside of this would be reclaimed. The shop area would be left post-mine for landowner use. Access road cut banks (>3:1 slope) near York Road would be reclaimed to stable rock slopes to match the existing cut banks on York Road. All other disturbance areas would be graded, soiled, and seeded.

All reclamation would be graded to match existing topography. Slopes other than the access road cut banks would be no greater than 3 horizontal to 1 vertical slope (3:1). Soil material would be stripped about 10 feet ahead of any disturbance, and all soil and overburden would be salvaged and replaced upon reclamation. Topsoil material (A and B horizon) would be salvaged and stockpiled separately from the overburden; the topsoil depth on site ranges from 0-6 inches. Reclaimed mine areas would receive an average of 4 inches of topsoil.

Reclaimed areas would be seeded with a DEQ-approved seed mix (Table 1). 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 with the seed being harrowed/dragged/raked/tracked into the ground immediately after seeding. The seed mix would be drilled into reclaimed soils at a rate of 12.5 lbs. Pure Live Seed (PLS) per acre or broadcast at a rate of 25 lbs. PLS per acre. Reclamation would be monitored annually for success; reclaimed areas that did not reestablish at least 25% vegetation cover within two years of seeding would be reevaluated for reseeding, additional soil application, soil amendment, or a combination thereof. Final reclamation would produce native grassland suitable for domestic and wildlife grazing and for future use as residential development

Seed Variety	Drill Seeding	Broadcast Seeding
Slender Wheatgrass	2.0 lbs./acre PLS	4.0 lbs./acre PLS
Western Wheatgrass	3.0 lbs./acre PLS	6.0 lbs./acre PLS
Thickspike Wheatgrass	2.5 lbs./acre PLS	5.0 lbs./acre PLS
Bluebunch Wheatgrass	2.5 lbs./acre PLS	5.0 lbs./acre PLS
Green Needlegrass	2.0 lbs./acre PLS	4.0 lbs./acre PLS
Western Yarrow	0.5 lbs./acre PLS	1.0 lbs./acre PLS
Total	12.5 lbs/acre PLS	25.0 lbs/acre PLS

TABLE 1: SEED MIX

SUMMARY OF POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS:

The impact analysis will identify and estimate whether the impacts are direct or secondary impacts. 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 also 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 intensity 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's geology is dominated by the Greyson Formation which occurs as siltite, argillitic siltite, feldspathic quartzite, and minor argillite. The formation generally forms smooth dark-gray or olive-gray slopes with steeper ledge-lined slopes in lowest and uppermost parts. The formation is overlain by a terrace gravel deposit, which is composed of rounded pebbles and cobbles with sand and silt matrix of fluvial origin. Gravel rests on an erosion surface that slopes gently downstream and is separated from the floodplain of an adjacent stream by a steeper slope that rises from the stream bottom (Reynolds and Brandt, 2005).

The climate for the proposed permit area is dry and relatively sunny with a mean annual precipitation of 11.74 inches (USGS StreamStats, 2019). Musselshell-Crago complex (soil ID 137B) makes up the majority of the soil in the proposed permit disturbance area, while Hauz-Sieben-Tolman channery loam (soil ID 263E) is the remainder of the proposed permit disturbance area soil (Figure 3).

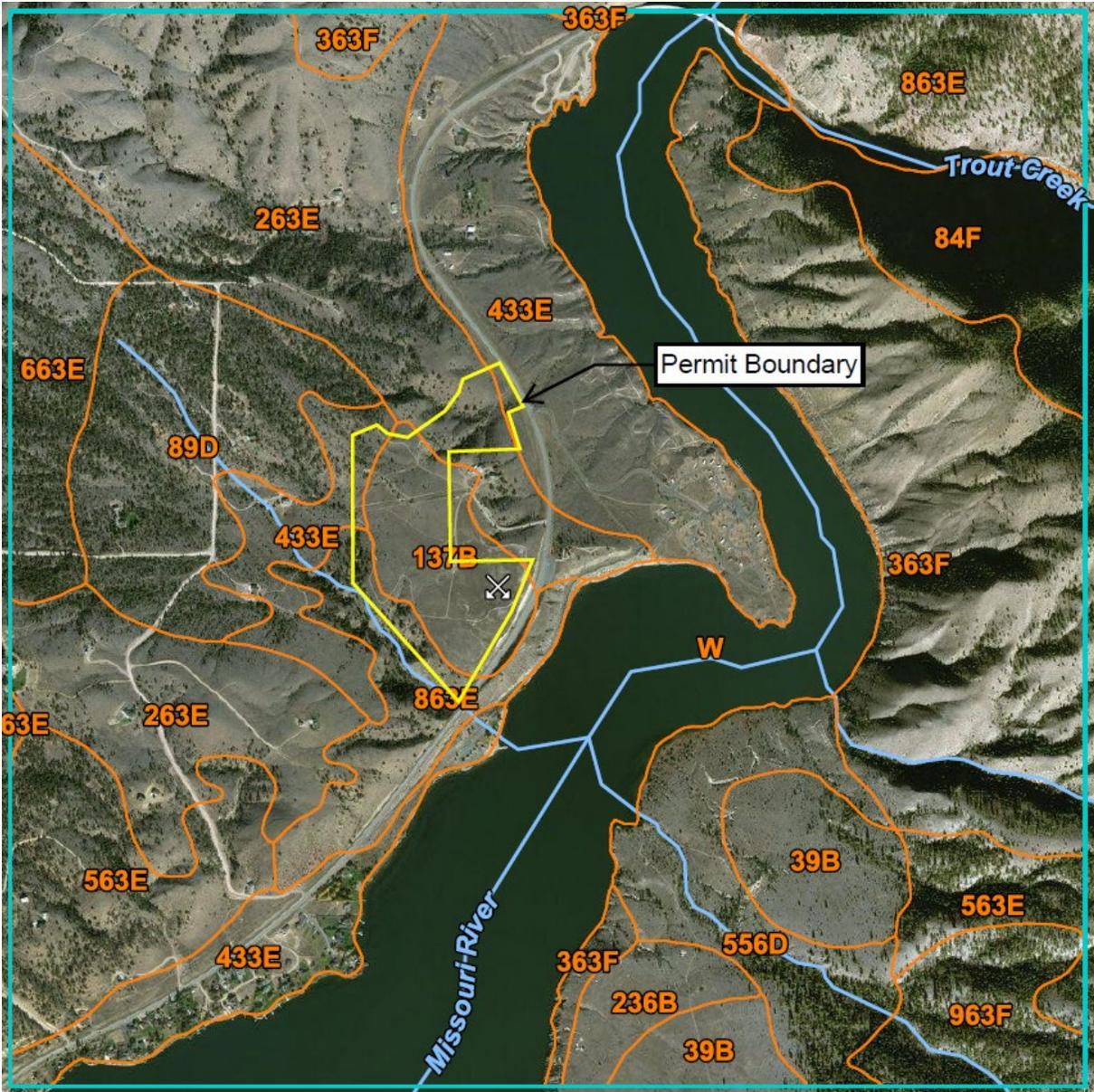


FIGURE 3: SOILS MAP FOR THE DEVIL'S ELBOW QUARRY

Typical profiles for the quarry soils are found in Table 2.

Soil Horizon	Musselshell-Crago Complex	Hauz-Sieben-Tolman Channery Loam
A	0-4 inches Loam	0-5 inches Channery Loam
Bk1	4-34 inches Gravelly Loam	5-15 inches Very Channery Clay Loam
Bk2	34-60 inches Very Gravelly Sandy Loam	15-24 inches Extremely Channery Loam

TABLE 2: TYPICAL SOIL PROFILES

Direct Impacts:

At the mining and processing site, soil horizons would be disrupted. Salvaged overburden and/or soil would be replaced after mining and then contoured to match the surrounding topography as much as possible. The area would then be seeded. Erosion control would be accomplished using sediment control structures and a variety of BMPs as needed, including rip-rap, slash filters, ditches, berms, and seeding.

No fragile soils or unstable geologic features are present at the site. There would be no special reclamation considerations. Surface soil disturbance could allow for the establishment of weeds. Weed control would be required to control the spread of noxious weeds. Noxious weeds are further addressed in “Section 4. Vegetation Cover, Quantity and Quality” (Table 3). Impacts to the geology, soil quality, stability and moisture would be short-term and minor and therefore would not be significant (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to the geology or soil quality, stability and moisture would be expected.

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

Several residential wells exist near the proposed permit area (Figure 4). The static water level of nearby wells GWIC #271868 and #268362 are reported as 159 and 113 feet below ground surface, respectively. These wells are located at a similar elevation to the quarry site. Bullock would develop the Devil’s Elbow Quarry to a depth of approximately 65 feet below surface. Based on the location, adjacent wells, topography, and elevation of the site, no significant groundwater sources would be expected to be encountered during the life of the mine. No springs or seeps are located within the proposed permit area.

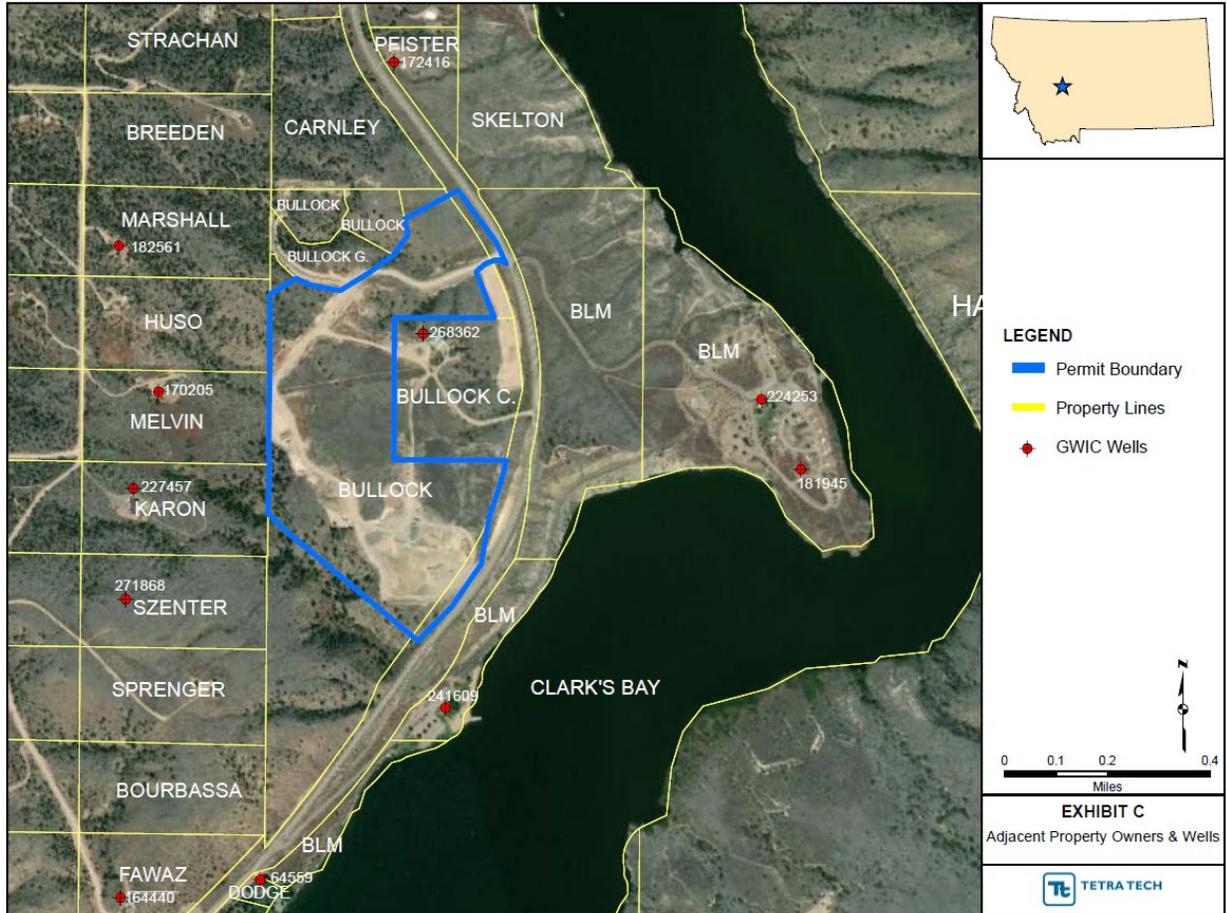


FIGURE 4: PROPERTY OWNERS AND WELLS ADJACENT TO THE PROPOSED PERMIT BOUNDARY AREA

Direct Impacts:

There would be no acid rock drainage associated with the waste rock or overburden and no other source of objectionable discharge to groundwater. No water would be used for processing or during the mine operation, except what would be used for dust control. The applicant would be bound to all applicable state and federal rules regarding water quality and quantity. Groundwater quality would not be impacted by sediment, however, could be impacted by other by-products of operation, including spilled fuel and nitrate residual from potential blasting. Impacts to water quality, quantity, and distribution would be short-term and minor and would not be significant as a result of the proposed operations (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to groundwater quality, quantity, or distribution would be expected.

Surface Water

Hauser Lake is located along the eastern border of the permit area (Figure 4). The closest permitted

disturbance would be located 400 feet away from and 140 feet above Hauser Lake, across York Road. An ephemeral drainage is located to the south and west that drains the land area north and west of the quarry site (Figure 3). The drainage would not be included in the proposed permit disturbance area.

Direct Impacts:

Rainfall in the area is limited and averages 11 inches per year. BMPs would control storm water runoff and reduce opportunity for sediment and/or spilled petroleum products from leaving the permitted disturbance area and impacting the springs and intermittent streams. Although storm water associated with the project would be managed and permitted under the Montana Pollutant Discharge Elimination System (Authorization: MTR000689), any surface water that may leave the site during a heavy storm event could carry sediment from disturbed soils (Table 3). Impacts to surface water would be short-term and minor and would not be significant as a result of the proposed operations (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to surface water quality, quantity, or distribution would be expected.

3. AIR QUALITY

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

Dust particulates would be produced or become airborne during operations. Fugitive dust from mining, loading, hauling, or crushing would be controlled by watering as needed. The quantity of water used for dust control is dependent on environmental conditions such as rainfall, wind, time of year, and overall surface conditions.

The operator would be expected to maintain compliance with Montana laws regarding the need to take reasonable precautions to control airborne particulate matter according to the ARM 17.8.308. Gaseous products of combustion (oxides of nitrogen and carbon monoxide) would result from this operation, specifically from gas and diesel fuel-fired equipment. The quarry crusher plant is permitted under the Montana Department of Environmental Quality Air Quality Permit #3223-01.

Direct Impacts:

There would be some exhaust fumes and dust produced by the on-site equipment and mine activity. Dust control (water or magnesium chloride) would be employed to meet particulate emission requirements. The level of gaseous emissions from the site would be minimal due to the small number of fuel-fired equipment in use at the sites. Impacts to air quality would be short-term and minor and would not be significant as a result of the proposed operations (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to air quality would be expected.

4. VEGETATION COVER, QUANTITY AND QUALITY

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

The vegetation of the permit and surrounding areas is of the Rocky Mountain Lower Montane Grassland type, dominated by Rough Fescue (*Festuca campestris*) and Idaho Fescue (*Festuca Idahoensis*) as co-dominant species. Bluebunch and Western Wheatgrass are also commonly found with this eco-type. Ponderosa and Limber Pine with Juniper understory represent the dominant trees and shrub species of the area. A search of the Montana Natural Heritage Program (MTNHP) identified potential habitat for 18 vascular plant and 1 moss species of concern (SOC), although none of the SOC have been identified at or near the proposed disturbance area (MTNHP, 2019). Curly-leaf Pondweed, Leafy Spurge, Whitetop, Spotted Knapweed, Dalmation Toadflax, Common Hound's-tongue, Canada Thistle, Yellow Toadflax, and Salt Cedar, all noxious weeds, have been observed near the proposed mine site (MTNHP, 2019).

Direct Impacts:

Land disturbance at the site may result in propagation of noxious weeds (Table 3). Any surface disturbances would be reclaimed and seeded with an appropriate seed mix (see Table 1). The project area would be subject to the Lewis and Clark County Weed Management Control Plan and to the 2017 Montana Noxious Weed Management Plan. Impacts to vegetative cover, quantity or quality resulting from this project would be short-term and minor and would not be significant (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to vegetation cover, quantity and quality would be expected.

5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS

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

The permit area has habitat for deer, antelope, prairie dogs, and other commonly observed area wildlife. A search of the MTNHP identified potential habitat for 105 mammal, reptile, invertebrate, bird, and amphibian species of concern (SOC), potential SOC, or sensitive species. Habitat for these species is common and not unique to the proposed permit area. SOC that have been observed near the proposed permit area include Westslope Cutthroat Trout, Great Blue Heron, Golden Eagle, Townsend's Big-eared Bat, Spotted Bat, Peregrine Falcon, Clark's Nutcracker, Long-billed Curlew, Western Toad, Caspian Tern, American White Pelican, and Common Loon.

The Westslope Cutthroat Trout has a habitat requirement for open water, which is not found within the permit boundary. Terrestrial and avian species of concern that have been observed near the proposed permit area are discussed below.

Great Blue Heron (*Ardea herodias*) – Great Blue Herons breed from southern Alaska southeast across central Canada to Nova Scotia and south to Guatemala, Belize, and the Galapagos Islands. Habitat includes both urban wetlands and wilderness settings. Most Montana nesting colonies are

in cottonwoods along major rivers and lakes. However, nesting colonies tend to abandon areas with human disturbance and recreational activity (Montana Field Guide, 2020). Therefore, impact to this species should be minimal due to existing disturbances that have taken place.

Golden Eagle (*Aquila chrysaetos*) – The Golden Eagle resides throughout western North America from the Arctic to central Mexico. Golden Eagles nest on cliffs and in large trees (occasionally on power poles), and hunt over prairie and open woodlands (Montana Field Guide, 2020). Due to a wide range of suitable habitat near the area and existing residential and recreational disturbance proximal to the proposed mine site, impacts to this species should be minimal.

Townsend's Big-eared Bat (*Corynorhinus townsendii*) – Townsend's big-eared bats are widely distributed in western North America and are commonly identified in forested habitat. These mammals use caves and abandoned mines as maternity roots. Eighty-seven percent of Montana is considered breeding range for this species (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to habitat constraints.

Spotted Bat (*Euderma maculatum*) – Little is known about this species or its habitat in Montana, thus it is ranked as a species of concern. Although widely distributed, the species is quite rare in almost all of its range. Spotted bats roost in caves, and in cracks and crevices in cliffs and canyons (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to habitat constraints.

Peregrine Falcon (*Falco peregrinus*) – The Peregrine Falcon is found across the state of Montana, with breeding habitat in the western half of the state. Nests typically are situated on ledges of vertical cliffs, often with a sheltering overhang. Ideal locations include undisturbed areas with a wide view, near water, and close to plentiful prey (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to habitat constraints.

Clark's Nutcracker (*Nucifraga columbiana*) – Nutcrackers in Montana typically occupy conifer forests dominated by whitebark pine at higher elevations and ponderosa pine and limber pine along with Douglas firs at lower elevations, relying largely on seeds of these species for food. Clark's Nutcracker resides throughout the western half of the United States and southwestern Canada (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal.

Long-billed Curlew (*Numenius americanus*) – The Long-billed Curlew occurs throughout Montana except for extreme Northwest Montana and the southern Bitterroot. Breeding habitat for the curlew is in mixedgrass prairie habitats and moist meadows throughout Montana. It prefers to nest in open, short-statured grasslands and avoids areas with trees, dense shrubs, or tall, dense grasses. Degradation or loss of grassland breeding habitat to agricultural and residential development is the greatest threat to the Long-billed Curlew (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to previous existing disturbance.

Western Toad (*Anaxyrus boreas*) – The Western toad occurs in the western half of Montana. The habitats used by Western Toads include low-elevation beaver ponds, reservoirs, streams, marshes, lake shores, potholes, wet meadows, and marshes, to high elevation ponds, fens, and tarns at or near treeline. Normally they remain fairly close to ponds, lakes, reservoirs, and slow-moving rivers

and streams during the day, but may range widely at night (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to habitat constraints.

Caspian Tern (*Hydroprogne caspia*) – In Montana, the Caspian Tern prefers islands within large lakes or reservoirs. The species has also been noted to utilize rivers, though nesting in this habitat is not documented (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to existing disturbances that have taken place and habitat constraints.

American White Pelican (*Pelecanus erythrorhynchos*) – American White Pelicans in Montana are long-distance migrants. The majority of the two western colonies in Montana (Arod Lakes and Canyon Ferry) migrate west across the Continental Divide to southern California and south into Mexico and Central America. Habitat use in Montana occurs on a variety of aquatic and wetland habitats, including rivers, lakes, and reservoirs. Nesting colonies usually are situated on islands or peninsulas in freshwater lakes, where they are isolated from mammalian predators (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to existing disturbances that have taken place and habitat constraints.

Common Loon (*Gavia immer*) – The nesting habitat for the Common Loon in Montana is limited to oligotrophic lakes located in the northwestern part of the state. Sightings of the Common Loon in other parts of the state are of transient, migratory birds (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to habitat constraints.

Direct Impacts:

Impacts to wildlife and birds would potentially include temporary displacement of the animals, although habitat found within the project area is common throughout the larger ecosystem. Animals most likely have been previously displaced by the nearby residential development and recreational areas. Any displaced animals could find other suitable habitat nearby and return to the project area shortly after the project conclusion. Impacts to terrestrial and avian life and habitat would be short-term and minor and would not be significant. There are no aquatic habitats in the proposed permit area, so no impact on aquatic life would be expected.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to terrestrial, avian, or aquatic life or habitats that could be stimulated or induced by the direct impacts analyzed above would be 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 MTNHP identified potential habitat for 105 mammal, reptile, invertebrate, bird, and amphibian SOC, potential SOC, or sensitive species. Species of concern are addressed in Section 5, Terrestrial, Avian, and Aquatic Life and Habitats. No federally listed threatened or endangered species or identified habitat is present in the permit area. The Bald Eagle, a species

of special concern, has been observed near the proposed permit area. Habitat for the Bald Eagle is discussed below.

Bald Eagle (*Haliaeetus leucocephalus*) – The Bald Eagle in Montana is primarily found in forested, mountainous areas along rivers and lakes, especially during the breeding season. Important year-round habitat includes wetlands, major water bodies, spring spawning streams, ungulate winter ranges, and open water areas. General objectives of habitat management for Bald Eagles in Montana include: maintaining prey bases; maintaining forest stands currently used or suitable for nesting, roosting, and foraging; planning for future potential nesting, roosting, and foraging habitat; and minimizing disturbances from human activities in nest territories, at communal roosts, and at important feeding sites (Montana Field Guide, 2020). Therefore, impacts to this species should be minimal due to existing human activity disturbances that have taken place.

No wetlands have been identified in the proposed permit area.

Direct Impacts:

Impacts would potentially include temporary displacement of animals (Table 3), although 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. Impacts to unique, endangered, fragile or limited environmental resources would be short-term and minor and would not be significant (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to unique, endangered, fragile, or limited environmental resources that could be stimulated or induced by the direct impacts analyzed above would be expected.

7. HISTORICAL AND ARCHAEOLOGICAL SITES

Are any historical, archaeological or paleontological resources present?

The proposed mine site is entirely located on private land. The Montana Cultural Resource Database under the State Historic Preservation Office indicates that no inventoried historical sites, archaeological, or paleontological resources are present within the proposed permit area.

Direct Impacts:

Impacts to historical, archaeological, or paleontological resources are not likely to occur.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to historical and archaeological sites would be expected.

8. AESTHETICS

Is the proposed operation on a prominent topographic feature? Would it be visible from populated or scenic areas? Would there be excessive noise or light?

The proposed mine site would be located on private land. The mine site would be visible to surrounding residential houses, vehicles traveling on York Road, and to visitors at the Devil's Elbow Campground that is located next to Hauser Lake, ¼ mile east of the proposed permit area. The hours of operation would coincide with normal ranch and agricultural operations for this area. The highest predicted noise level for equipment operated on site would be 95 dba at 50 feet. Blasting is not planned at the site and no "air blasts" or exceedances of peak levels would be expected.

Direct Impacts:

The proposed project would likely be visible to the surrounding population and to viewers located at observation points that are unobstructed by topography or forested vegetation (Table 3). Mining and truck noise could potentially be noticeable at the closest residences (>¼ miles away) and at the Devil's Elbow Campground. Aesthetic impacts at the campground are further addressed in Section 17, "Access to and Quality of Recreational and Wilderness Activities" (Table 3). All equipment would be operated with appropriate mufflers in accordance with 61-9-403 and 61-9-435, MCA. Bullock has agreed to limit hours of mining, screening, and crushing to 7 AM – 7 PM, Monday through Saturday. The crusher is currently in a pit with berms on three sides (north, east, and west) that are at least 9 feet above the ground level of the crusher. If the crusher was moved from the pit, eight- to ten-foot berms would be installed around the crusher area as a means of noise reduction. Impacts to aesthetics would be short-term and moderate and would not be significant (Table 3).

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. There would be no secondary impacts to the sites as there are few residences in the area.

9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY

Would the proposed operation use resources that are limited in the area? Are there other activities nearby that would affect the project?

Current mining operations at the site use diesel fuel power for equipment and the mobile generators which power the crushing and screening equipment. An onsite fuel island would be used to store diesel fuel for the equipment. Any water needed for dust suppression would come from the landowner's offsite well. No water is needed for current operations beyond dust suppression. The proposed permit operations would not expand any use of resources that are limited in the area.

Direct Impacts:

Any impacts on the demand on environmental resources of land, water, air or energy would be short-term and minor and would therefore not be significant as a result of the proposed operations.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to environmental resources of land, water, air or energy would be expected.

10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES

Are there other activities nearby that would affect the proposed operation?

There are no activities in the area that would affect the operation. DEQ searched the following websites or databases for nearby activities that may affect the project, however no other projects were identified:

- Montana Department of Natural Resource and Conservation
- Montana Department of Environmental Quality
- Montana Department of Transportation
- Lewis and Clark County
- United States Department of Interior Bureau of Land Management
- United States Forest Service

Aside from the current quarry operations, the surrounding land is used for agricultural, residential, and recreational purposes.

Direct Impacts:

Impacts on other environmental resources are not likely to occur as a result of the proposed operations.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to other environmental resources would be expected as a result of the proposed work.

11. HUMAN HEALTH AND SAFETY

Would this proposed operation 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. The Devil's Elbow Quarry site is located on private land that is signed as "private/no trespassing." The quarry area is fenced and no public access would be allowed to the proposed permit area.

Direct Impacts:

No impacts to public health and safety would result from the proposed action. However, short-term and minor impacts on worker human health and safety would be involved during mining operations.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to human health and safety would be expected as a result of the proposed work.

12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION

Would the proposed operation add to or alter these activities?

Direct Impacts:

As noted in the cumulative impacts analysis below, this project would add to the impacts of mining in the greater project area, however all disturbance related to this project would be reclaimed at the conclusion of the project. There are two existing small miner exclusion statement (SMES) sites in the area that co-exist with the current unpermitted operations at the proposed site. Impacts on the industrial, commercial, and agricultural activities and production in the area would be minor and short-term, and would not be significant.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to industrial, commercial and agricultural activities and production would be expected as a result of the proposed work.

13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT

Would the proposed operation create, move or eliminate jobs? If so, what is the estimated number?

The site is currently operating without a permit. The workforce is not expected to either increase or decrease as a result of the proposed permitting action. Denial of the operating permit would result in the loss of jobs for those currently employed at the site.

Direct Impacts:

All activities would be conducted by current employees. No additional work force is anticipated. If market conditions fluctuate, the work force may marginally increase or decrease. No lasting positive or negative impacts to employment would be expected from this project.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to quantity and distribution of employment would be expected as a result of the proposed work.

14. LOCAL AND STATE TAX BASE AND TAX REVENUES

Would the proposed operation create or eliminate tax revenue?

The sale of construction aggregate creates local jobs, providing tax revenue to the state and/or the

federal government. The landowner may receive royalties from the operation.

Direct Impacts:

The production and work force would not be anticipated to increase from the existing unpermitted operations to the proposed permit operations, and no change in tax revenues would be anticipated. Continued operation of the site under an Operating Permit would result in short-term, minor impacts to the local and state tax base and tax revenues and would not be significant. Denial of the operating permit would result in loss of jobs and subsequently loss of tax revenue.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. Minor beneficial secondary impacts to local and state tax base and tax revenues would be expected as a result of the proposed work.

15. DEMAND FOR GOVERNMENT SERVICES

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

The site is on private land and operations would be a continuance of current activities. The site is located off York Road, a secondary state highway (S-280).

Direct Impacts:

The site is currently in operation as an unpermitted mine site. No increase in employment or production is anticipated from this proposed action. All traffic related to the mine operation, including heavy equipment and semi-truck traffic would utilize York Road, and may cause minor, short-term impacts to the road surface or to traffic patterns.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to the demand for government would be expected as a result 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 site is on private land which has been used in the past for wildlife habitat. The mine operations would be subject to the Lewis and Clark County Weed Management Control Plan and to the 2017 Montana Noxious Weed Management Plan. There are no known zoning or other restrictions in place.

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. Impacts from or to locally-adopted environmental plans and goals would not be expected as a result of this project.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to the locally-adopted environmental plans and goals would be expected as a result 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 site is located on private property and there are no recreational or wilderness areas in the proposed permit boundaries. A BLM recreation area, the Devil's Elbow Campground, is located on Hauser Lake on the east side of York Road, across from the proposed permit site. Camp sites are between ¼ and ½ mile from the proposed permit boundary.

Direct Impacts:

Mining activities would potentially be audible and potentially visible to camp sites and visitors at the Devil's Elbow Campground (Table 3). All equipment would be operated with appropriate mufflers in accordance with 61-9-403 and 61-9-435, MCA. Operations would be limited to 7 AM – 7 PM, Monday through Saturday, and berms would be used to reduce noise from the crusher. Impacts to the quality of recreational activities would be short-term and moderate and would not be significant (Table 3). No direct impacts to access to recreational and wilderness activities would be expected from the proposed operation.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to access and quality of recreational and wilderness activities would be expected as a result of the proposed work.

18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING

Would the proposed operation add to the population and require additional housing?

Lewis and Clark County is the sixth most populated county in Montana, with a population of 68,700 as of the 2010 census. As noted above in "Section 13, Quantity and Distribution of Employment," the mine site would not be expected to add to or decrease the local population or employment of Bullock Contracting, LLC.

Direct Impacts:

No direct impacts to density and distribution of population and housing would be expected from the proposed operation.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human

environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to density and distribution of population and housing would be expected as a result of the proposed work.

19. SOCIAL STRUCTURES AND MORES

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

Direct Impacts:

The proposed operation would occur entirely on private land. No disruption of native or traditional lifestyles would be expected.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated or induced by, or otherwise result from a direct impact of the action. No secondary impacts to social structures and mores would not be expected as a result of the proposed work.

20. CULTURAL UNIQUENESS AND DIVERSITY

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

Direct Impacts:

There are no unique qualities that would be affected by the proposed operations. The site has been previously used for wildlife habitat and would be reclaimed after mine operations cease. No impacts to cultural uniqueness and diversity would be expected from this project.

Secondary Impacts:

Based on the definition in ARM 17.4.603(18), secondary impacts are further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action. No secondary impacts to cultural uniqueness and diversity would be 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 would 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 owned by Megan and Buster Bullock. DEQ has determined 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 issuance of an Operating Permit would not have private property-taking or damaging implications for the

regulated person (Bullock)'s private property.

22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES

Due to the nature of the proposed activities, and the limited operations, no further direct or secondary impacts would be anticipated from these proposed activities.

ALTERNATIVES CONSIDERED

In addition to the proposed actions, DEQ also considered the "no action" alternative. The "no action" alternative would deny the issuance of the Operating Permit to Bullock Contracting, LLC. Bullock Contracting, LLC, would lack the authority to continue to quarry rock on the property beyond what is allowed under a SMES. Any potential impacts that would be authorized under the quarry operation would not occur. However, DEQ does not consider the "no action" alternative to be appropriate because Bullock Contracting, LLC, has demonstrated a willingness to comply with all applicable rules and regulations in the submitted proposal as required for permit issuance. The no action alternative forms the baseline from which the impacts of the proposed action can be measured.

PUBLIC INVOLVEMENT

Scoping for this proposed action consisted of internal and external efforts to identify substantive issues and/or concerns related to the proposed operation. Internal scoping consisted of internal review of the environmental assessment document by DEQ staff.

Notice of the application for an operating permit was published November 26, 2019. External scoping included a public comment period which ended on April 17, 2020. External scoping efforts also included queries to the following websites/databases/personnel:

- Montana Department of Environmental Quality (DEQ)
- Montana Cadastral Mapping Program
- USDA NRCS Soil Survey
- Montana Natural Heritage Program (MTNHP)
- Montana State Historic Preservation Office (SHPO)
- Montana Department of Natural Resource and Conservation (DNRC)
- Montana Department of Transportation
- United States Department of Interior Bureau of Land Management (BLM)
- United States Forest Service (USFS)
- Lewis and Clark County
- US Geological Society – Stream Stats
- Montana Groundwater Information Center (GWIC)
- Montana Bureau of Mines and Geology (MBMG)

RESPONSE TO PUBLIC COMMENTS

Scoping for this proposed action included a 30-day public comment period, that was extended to 45 days on request. The public was notified of the opportunity for comment through a DEQ-issued press release and posting on the DEQ website. Substantive public comments received were

considered before DEQ issued the final EA. Responses to substantive comments are included in the final EA.

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, at some level, may also include other state, federal, or tribal agency jurisdiction.

CUMULATIVE EFFECTS

Cumulative impacts are the collective impacts on the human environment within the borders of Montana of the Proposed Action 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 preimpact statement studies, separate impact statement evaluation, or permit processing procedures.

This environmental review analyzes the proposed project submitted by the applicant. Any impacts from the proposed operation would be short-term and would be fully reclaimed, while allowing certain structures to remain that have a post mining use at the conclusion of the proposed operation. Thus, the proposed project would not contribute to long-term cumulative effects on the area. DEQ identified other mining projects in the area.

DEQ regulated projects located near the proposed project site include:

- Two Hard Rock Mining, active SMES operations are located at or within 1 mile of the proposed permit boundary. Both sites are on BLM land and are jointly regulated by the BLM and DEQ.

No other 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. Cumulative impacts related to this project are identified in the Table 3. 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 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 would occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact would 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 because 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 plans.

TABLE 3: SUMMARY OF POTENTIAL IMPACTS THAT COULD RESULT FROM OPERATING PERMIT #00199

Potential Impact	Affected Resource and Section Reference	Severity ¹ , Extent ² , Duration ³ , Frequency ⁴ , Uniqueness and Fragility (U/F)	Probability ⁵ impact will occur	Cumulative Impacts	Measures to reduce impact as proposed by applicant	Significance (yes/no)
Erosion of disturbed soil	Soil 1. Geology	S -high: All proposed disturbance area could be susceptible to erosion. E -medium: Total surface disturbance would be 36.9 acres over the next 25 years. D -Until disturbed land is fully reclaimed, including additional growing seasons for vegetation re-establishment. F -During occasional storm events. U/F -Not unique or particularly fragile.	Possible	Erosion would add to cumulative impacts associated with potential erosion on existing roads and mined surfaces.	Bullock Contracting, LLC, would manage erosion control using sediment control structures and a variety of Best Management Practices (BMPs), including rip-rap, slash filters, ditches, berms, and seeding.	No
Weed propagation associated with surface disturbance	Soil & Vegetation 1. Geology 4. Vegetation	S -high: All disturbed surfaces would be susceptible to weed propagation. E -medium: Total surface disturbance would be 36.9 acres. Land in the immediate project area that would also be susceptible to weed propagation as a result of weeds growing at the mine site would be approximately 50 acres. D - Until disturbed land is fully reclaimed, including additional growing seasons for vegetation re-establishment. F -Twice: After excavation and after reclamation. U/F -Not unique or particularly fragile.	Possible	Weed propagation from this project would add to any other area weeds that already exist within and near the proposed project area.	Weed control would be a requirement of the operating permit. The project would be subject to the Lewis and Clark County Weed Management Control Plan and the 2017 Montana Noxious Weed Management Plan. Bullock Contracting, LLC, would be expected to follow the approved reclamation plan.	No
Surface water	Water 2. Water Quality, Quantity, and Distribution	S -low: There is an intermittent drainage near the permit boundary. The closest perennial body of water is the Missouri River (Hauser Lake), 400 feet from the permit boundary. E -low: Confined to the intermittent drainage. D - Until disturbed land is fully reclaimed, including additional growing seasons for vegetation re-establishment. F -During occasional storm events. U/F -Not unique or particularly fragile.	Possible	Some sediment from the project would add to any other sediment entering the intermittent drainage during stormwater runoff events.	Bullock Contracting, LLC, would manage stormwater runoff using sediment control structures and a variety of Best Management Practices (BMPs), including rip-rap, slash filters, ditches, berms, and seeding.	No

Potential Impact	Affected Resource and Section Reference	Severity ¹ , Extent ² , Duration ³ , Frequency ⁴ , Uniqueness and Fragility (U/F)	Probability ⁵ impact will occur	Cumulative Impacts	Measures to reduce impact as proposed by applicant	Significance (yes/no)
Dust and equipment exhaust	Air 3. Air Quality	<p>S-medium: Dust and other particulate would be generated during construction/reclamation, crushing, and driving on/off site. Engines would produce some exhaust fumes.</p> <p>E-medium: Dust and exhaust fumes would be generated in proximity of moving/working equipment, and from dry exposed soil associated with new haul road and trench area.</p> <p>D- Until mining operations cease, and disturbed land is graded and soiled.</p> <p>F-Daily: During mining and initial reclamation operations.</p> <p>U/F-Not unique or particularly fragile.</p>	Certain	Dust and exhaust would add to the cumulative impacts from other vehicles/engines operating in the area, and to potential natural wildfire smoke moving through the area.	The crusher is regulated for dust emission under MT DEQ Air Quality Permit #3223-01. Dust suppression would be provided by the mine site's water truck or magnesium chloride application, as necessary. OEM exhaust controls would be utilized on mechanized equipment.	No
Displacement of fragile resource (Species of Concern, Species of Special Concern)	5. Terrestrial, Avian, and Aquatic Life and Habitats 6. Unique, endangered, fragile, or limited resources	<p>S-low: 36.9 acres of disturbance; surrounding area includes suitable habitat.</p> <p>E-low: Total surface disturbance would be 36.9 acres.</p> <p>D- Until disturbed land is fully reclaimed, including additional growing seasons for vegetation re-establishment.</p> <p>F-During mining activity, which is expected to occur during every day, daylight shifts for life of mine, and reclamation operations.</p> <p>U/F-Unique.</p>	Probable	Displacement of Species of Concern as a result of this project would add to the cumulative impacts associated with the adjacent agricultural land, residential development, and recreational areas.	None.	No

Potential Impact	Affected Resource and Section Reference	Severity ¹ , Extent ² , Duration ³ , Frequency ⁴ , Uniqueness and Fragility (U/F)	Probability ⁵ impact will occur	Cumulative Impacts	Measures to reduce impact as proposed by applicant	Significance (yes/no)
Aesthetics	8. Aesthetics 17. Access to and Quality of Recreational and Wilderness Activities	<p>S-medium: Noise would be produced during operation of the crusher and mine equipment. Visual impacts would be 36.9 acres of disturbance.</p> <p>E-medium: Proposed permit site and surrounding areas, including nearby residences and at the Devil's Elbow Campground.</p> <p>D- Until disturbed land is fully reclaimed, including additional growing seasons for vegetation re-establishment.</p> <p>F-During mining activity, which is expected to occur during every day, daylight shifts for life of mine, and reclamation operations.</p> <p>U/F-Unique.</p>	Certain	Noise and visual impacts as a result of this project would add to the cumulative impacts associated with the adjacent agricultural land, residential development, and recreational areas.	All equipment would be operated with appropriate mufflers in accordance with MCA 61-9-403 and 61-9-435. Mining (excavation) activities and operation of the crusher and screen would be limited to 7 AM to 7 PM, Monday through Saturday. The crusher would be located in a pit with berms or berms would be installed around crusher during operation.	No

1. Severity describes the concentration at which the impact may occur. Levels used are low, medium, high.
2. Extent describes the land area over which the impact may occur. Levels used are small, medium, and large.
3. Duration describes the time period over which the impact may occur. Descriptors used are discrete time increments (day, month, year, and season).
4. Frequency describes how often the impact may occur.
5. Probability describes how likely it is that the impact may occur without mitigation. Levels used are: impossible, unlikely, possible, probable, certain.

SUMMARY

The severity, duration, geographic extent, and frequency of the occurrence of the impacts associated with the proposed activities would be limited. Bullock Contracting, LLC, is proposing to mine up to 36.9 total acres with a life of mine of about 25 years. The mining activities would result in removal of material and the mine site elevation lowered by approximately 65 feet.

DEQ has not identified any significant impacts associated with the proposed activities for any environmental resource. Approving Operating Permit #00199 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 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. Approving a draft permit for Operating Permit #00199 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 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 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 the Montana Environmental Protection Act.

Environmental Review Prepared By:

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Environmental Assessment Reviewed by:

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Hard Rock Mining Bureau, DEQ

Approved By:



9/21/2020

Signature

Date

Dan Walsh, Bureau Chief
Hard Rock Mining Bureau, DEQ

CITATIONS

American White Pelican — *Pelecanus erythrorhynchos*. Montana Field Guide. Montana Natural Heritage Program and Montana Fish, Wildlife and Parks. Retrieved on May 27, 2020, from <http://FieldGuide.mt.gov/speciesDetail.aspx?elcode=ABNFC01010>

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Townsend's Big-eared Bat — *Corynorhinus townsendii*. Montana Field Guide. Montana Natural Heritage Program and Montana Fish, Wildlife and Parks. Retrieved on May 27, 2020, from <http://FieldGuide.mt.gov/speciesDetail.aspx?elcode=AMACC08010>

Web Soil Survey. <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [08/28/2019].

Western Toad — *Anaxyrus boreas*. Montana Field Guide. Montana Natural Heritage Program and Montana Fish, Wildlife and Parks. Retrieved on May 27, 2020, from <http://FieldGuide.mt.gov/speciesDetail.aspx?elcode=AAABB01030>

Comment Code	Comment	Response
<p>HUS-1</p> <p>HUS-2</p> <p>HUS-3</p> <p>HUS-4</p> <p>HUS-5</p> <p>HUS-6</p>	<p>March 17, 2020</p> <p>Herb Rolles Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, Montana 59620-0901</p> <p>Re: Proposed OP#00199 Bullock Contracting, LLC</p> <p>Dear Mr. Rolles,</p> <p>This is a letter in opposition to your proposed approval of the Bullock Hard Rock Mining Permit. I request that the response date be extended due to the coronavirus and discouragement of group gatherings to discuss this issue. Also this is not timely considering that many people are south for the winter.</p> <p>Please know that our neighborhood was established long before Mr. Bullock purchased his adjacent property and decided to develop his business which definitely affects our quality of life. Upon meeting with LROA Board members in 2017, Mr. Bullock reassured us that this would only be a two year process and after that would involve developing potential homesites. I feel this a case of intentional deceit and poor neighborly consideration. The question why DEQ is allowing such an operation without a permit needs to be addressed.</p> <p>Below is my response to your Draft Environmental Assessment and a request for answers:</p> <ol style="list-style-type: none"> 1. There is no mention of a Bond put up for Reclamation Plans. The history of mining reclamation has been distrustful as reclamation plans fall by the wayside in many situations or are inadequate. 2. The Draft mentions frequently "short term". 25 years does not sound short term to those of us living next door. 3. How much damage will be done in 25 years? How can you forecast that damage to aquifers and well systems will not happen in 25 years? Who will be responsible for the monetary costs of possible damage and/or contamination or loss of well water? This has not been addressed in your draft. 4. I request that DEQ provide an independent hydrogeologist investigation and study to be performed before further movement in this matter. 	<p></p> <p>Comment Response to HUS-1: On June 5, 2019, DEQ issued a violation letter to Bullock for mining without a permit. DEQ does not consider that violation to be resolved. Potential corrective actions were identified in that violation letter. One of the potential corrective actions to that violation was for Bullock to apply for and obtain a Hard Rock Mining Operating Permit. On July 23, 2019, Bullock agreed to address the violation by applying for an operating permit. While Bullock has continued to operate, it has done so at its own risk of increasing the potential penalties for operating without the required Hard Rock Mining Operating Permit.</p> <p>Under 82-4-335(9), Montana Code Annotated (MCA), DEQ may not issue an operating permit to a person if 1) that person's failure, or the failure of any firm or business association of which that person was a principal or controlling member, to comply with the Metal Mine Reclamation Act (MMRA) or its operating permit has resulted in receipt of bond proceeds by DEQ or completion of reclamation by its surety or DEQ; 2) that person has not paid a penalty; 3) that person has failed to post a reclamation bond; or 4) that person has failed to comply with an abatement order issued by DEQ. Bullock has not committed any of the failures that are subject to the "bad actor" provision of 82-4-335(9), MCA.</p> <p>Prior to DEQ issuing an operating permit, Bullock would be required to post a performance reclamation bond for all disturbed acreage within the operating permit boundary, including all acreage disturbed before the operating permit was granted. The reclamation plan must satisfy the reclamation standards set forth in 82-4-336, MCA.</p> <p>Comment Response to HUS-2: See Comment Response to HUS-1</p> <p>Comment Response to HUS-3: The proposed hard rock mine at the Devil's Elbow quarry site would be regulated by DEQ under the Metal Mine Reclamation Act (MMRA) and administrative rules promulgated under that Act. Operations at mines regulated under this law can continue for over 100 years. The use of "short-term" to describe the length of operations at the Bullock site is relative to permanent impacts or impacts that propagate changes to the human environment for generations. The only impacts from proposed operations at the site that would continue past the proposed 25-year life-of-mine operation would be changes to the topography within the proposed permit boundary. At the end of mine life, Bullock proposes (in its reclamation plan) to develop single family homes within the permit boundary. The proposed land use is of similar utility and stability to the surrounding current land use as required in the MMRA.</p> <p>Comment Response to HUS-4: DEQ observed that the depth to water at the site was closely related to depth of the nearest well, which is located approximately a few hundred ft. to 1/3 mile from the proposed permit area. An estimate of the top elevation of the aquifer associated with this well, based on the elevation of the wellhead, is approximately 4100 feet above mean sea level (amsl). The elevation of the permit area varies from 4300 - 4400 feet amsl. The static water level of nearby wells is reported in GWIC to be between 159 and 113 feet below ground surface; the topography shows the wells are located at a similar elevation to the quarry. Therefore, the permit area ranges from 100 to 200 feet above groundwater. Bullock would develop the Devil's Elbow Quarry to a depth of approximately 65 feet below surface. Based on the location, adjacent wells, topography, and elevation of the site, Bullock would not encounter or impact groundwater during operations.</p>

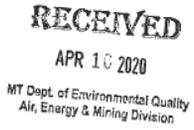
Comment Code	Comment	Response
		<p>DEQ determined that very little to no sediment would travel from the site to Hauser Lake because of various filters and natural barriers that exist along the potential flow path.</p> <ul style="list-style-type: none"> • The pathway to the lake is over 400 ft away, as the quarry sits 140 ft above and 400 ft away from the lake. The distances and natural filters appear to promote settling of any sediment prior to reaching the lake. • There are geologic structures like porous gravel, coarse rock composed of rounded pebbles and cobbles with sand and silt matrix that would absorb runoff. Runoff from most areas within the quarry site would drain into areas where the land surface is composed of coarse rock. A large natural catchment basin exists around the quarry. Runoff entering this area would penetrate the subsurface and slowly drain away, providing for deposition of any transported sediment within and around the quarry. • There are vegetation, roads and other man-made structures between the permit area and Hauser Lake. The existing features would also help to prevent any sediment from reaching the lake. <p>Comment Response to HUS-5: Bullock is not expected to impact groundwater during operations due to depth of groundwater (see Comment Response to HUS-4). Bullock has also agreed to a permit stipulation requiring quarterly monitoring of nearby wells for elevated nitrate levels within 1 year of any blasting. If groundwater is impacted, property owners have recourse available under <i>Section 82-4-335, MCA - Action for damages to water supply -- replacement</i>:</p> <p><i>(1) An owner of an interest in real property who obtains all or part of the owner's supply of water for beneficial uses, as defined in 85-2-102, from an underground source other than a subterranean stream having a permanent, distinct, and known channel may sue the operator engaged in an operation for which a license is required pursuant to 82-4-332 or for which a permit is required pursuant to 82-4-335 to recover damages for loss in quality or quantity of the water supply resulting from mining or exploration. The owner is required to exhaust the administrative remedy under subsection (2) prior to filing suit.</i></p> <p><i>(2) (a) An owner described in subsection (1) may file a complaint with the department detailing the loss in quality or quantity of water. Upon receipt of a valid complaint, the department:</i></p> <ul style="list-style-type: none"> <i>(i) shall investigate the statements and charges in the complaint using all available information, including monitoring data gathered at the exploration or mine site;</i> <i>(ii) may require the operator, if necessary, to install monitoring wells or other practices that may be needed to determine the cause of water loss, if there is a loss, in terms of quantity and quality;</i> <i>(iii) shall issue a written finding specifying the cause of the water loss, if there is a loss, in terms of quantity and quality;</i> <i>(iv) shall, if it determines that the preponderance of evidence indicates that the loss is caused by an exploration or mining operation, order the operator, in compliance with Title 85, chapter 2, to provide the needed water immediately on a temporary basis and within a reasonable time replace the</i>

Comment Code	Comment	Response
		<p><i>water in like quality, quantity, and duration. If the water is not replaced, the department shall order the suspension of the operator's exploration or operating permit until the operator provides substitute water, except that nothing in this section preempts the application of Title 85, chapter 2. The operator may not be required to replace a junior right if the operator's withdrawal or dewatering is not in excess of the operator's senior right.</i></p>
HUS-7	<p>5. With changing weather patterns, the removal of vegetation and the following erosion, drainage issues, sedimentation, and even landslides could all be possible. No one can predict the affect that storms, rains, or any violent weather could bring about in any of these potential issues. Again who will be responsible for any damage that could happen is such situations?</p>	<p><i>(b) If the department determines that there is a great potential that surface or subsurface water quality and quantity may be adversely affected by a mining or exploration operation, the operator shall install a water quality monitoring program or a water quantity monitoring program, or both, which must be approved by the department prior to the commencement of exploration or mining.</i></p>
HUS-8	<p>6. Aesthetically, the scarring of the land has destroyed beautiful views that were part of decisions to make the investment in a home and land. Thus our investments have been diminished and the threat of future impairment could end in financial hardship for those who may want or need to sell their properties. Who covers the losses in the devaluation of our homes and land?</p>	<p>Comment Response to HUS-6: The analyses requested are beyond the scope of the EA. The EA analyzed the proposed operating permit activities and disclosed impacts to the surrounding environment.</p>
HUS-9		<p>The level and depth of analysis and the appropriate detail required to adequately evaluate the proposed action are determined from an assessment of the complexity of the proposed action, the environmental sensitivity of the area, the degree of uncertainty that the proposed action will have a significant impact, and the need for and complexity of mitigation required to avoid the presence of significant impact (MEPA Model Rule V(2)).</p>
HUS-10 HUS-11 HUS-12 HUS-13	<p>7. The noise, dust, and heavy trucks barreling down York Road threatens the recreational value and enjoyment of many of the public sector as well as those living in the area. Many people enjoy Devils Elbow and Clarks Bay for camping, fishing, boating, hiking, and just being outdoors. How is this to continue with dust clouds drifting over the campground, hiking trails, and lake? How is this to continue with 7 days a week, sun up to sundown, year-round mining, the noise and dust of rock crushing machines, dozers, excavators, generators, large haul trucks and more? Is there no reprieve?</p>	<p>The proposed action at the Bullock site is similar to the majority of other rock product sites permitted in Montana; rock product sites are not identified as significant polluter of air or water resources. It is a reasonable assumption that the standard mining practices proposed at the Bullock site will not cause significant impacts to air or water resources.</p>
HUS-14	<p>8. Also dust clouds <u>have been seen drifting over the lake</u>. In 25 years, there could eventually be considerable impact on aquatic and avian life in Hauser Lake. Who oversees those threats?</p>	<p>Comment Response to HUS-7: See comment consolidated response to water quality. Additionally, Bullock would be required to apply for a Multi-Sector General Permit (MSGP) for Industrial Stormwater Discharges under the Montana Pollution Discharge Elimination System (MPDES). An MSGP permit requires the use of Best Management Practices (BMPs), the presence of a Certified Person at the permit site, stormwater sampling, run-off controls, and inspections by DEQ MPDES staff as measures to control stormwater runoff.</p>
HUS-15	<p>9. Ambient air currents and prevailing winds <u>have</u> deposited dust settling over neighboring property. A 25 year continuation of this could present respiratory conditions in otherwise healthy individuals, or compound current health issues. Who pays for the additional medical expenses?</p>	<p>Comment Response to HUS-8: DEQ acknowledges that viewshed aesthetics would be impacted by the proposed operations. Section 8 of the Final Environmental Assessment indicates that aesthetic impacts would be moderate, and the proposed project would likely be visible to the surrounding population and to viewers located at observation points that are unobstructed by topography or forested vegetation. Post-mining reclamation of the operation would address some elements of the aesthetic impacts.</p>
HUS-16	<p>10. The loss of seasonal enjoyment of our yards, patios, gardens, family gatherings etc. is paramount. Such activities are impacted by both the noise and the dust.</p>	<p>Comment Response to HUS-9: Section 75-1-201(1)(b)(iv)(D), MCA, requires environmental reviews to include analysis of any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. In addition, that provision states that the analysis does not need to be prepared if the proposed action does not involve the</p>
HUS-17	<p>11. Regarding wildlife displacement, is a 25 year span considered to be "temporary" as stated in the draft?</p>	
HUS-18	<p>12. The statement that "there are few residences in the area" appears to disregard the fact that there are more than a few who are living breathing individuals that are affected by this mining process.</p>	
HUS-19	<p>13. Lastly, but certainly not least, is the historical value of the proposed area, and surrounding area. Both Devils Elbow and Clarks Bay share the history of the Lewis and Clark Expedition. Much research has been done considering that Clark may have actually crossed the proposed site and adjoining lands. What will be done if artifacts are dug up?</p>	

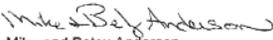
Comment Code	Comment	Response
	<p>I have taken the time to completely review your Draft Environmental Assessment. In closing, I ask that you take the time and effort to review my previous questions and requests.</p> <p>Thank you and I look forward to hearing from you.</p> <p>Sincerely,</p>  <p>Linda Huso Landowner and neighbor to proposed site.</p>	<p>regulation of private property. The private property being protected in this statutory provision is the private property rights of the applicant. DEQ conducts the private property assessment if it is proposing to deny an application for a permit or to place in the approval of the application a condition that has not been agreed to be the regulated person at the time of the publication of the EA or EIS. Property owned by surrounding landowners are not being regulated and, therefore, are not subject to the private property analysis set forth in Section 75-1-201(1)(b)(iv)(D), MCA.</p> <p>Comment Response to HUS-10: Section 8 of the Final Environmental Assessment indicates that noise impacts would be moderate and could be noticeable at the closest residences and at the Devil’s Elbow Campground. Most construction equipment produces noise in a decibel range in the upper 70s to lower 80s at a distance of 50 feet (https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook_09.cfm).</p> <p>The decibel level drops off with distance at about 6 decibels with doubling of distance, and at ten times the distance drops the intensity by 20 decibels (http://hyperphysics.phyastr.gsu.edu/hbase/Acoustic/isprob2.html). The EPA has determined that a 24-hour exposure of 70 decibels is the level of environmental noise which prevents measurable hearing loss over a lifetime (https://archive.epa.gov/epa/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare.html).</p> <p>This level would be reached at a distance of about 800 feet from the source. Proposed Bullock operations would consist of screening and crushing gravel, and operating generators, loaders, dozers, excavators, and haul trucks. DEQ expects Bullock’s equipment to produce noise in a decibel range at or below 95 dBa at a distance of 50 feet. The decibel level drops off with distance at about 6 decibels with doubling of distance, and at ten times the distance drops the intensity by 20 decibels. Levels of 45 decibels are associated with indoor activities and 55 decibels with certain outdoor areas where human activity takes place. At a distance of about 4800 feet from the source, this decibel would be met. The closest residence to the proposed permit area is more than ¼ mile away. Because the Metal Mine Reclamation Act (MMRA) does not have provisions for noise control, DEQ staff have reviewed and relied on language contained in the Opencut Mining Reclamation Act to offer methods of noise control to Bullock. These are not requirements under MMRA, but are voluntary steps Bullock has offered to take to reduce noise surrounding the Devil’s Elbow operation. As discussed in the final Environmental Assessment, Bullock has agreed to limit operations from 7 AM to 6 PM, Monday through Saturday. Bullock has also agreed to install 8-10-foot berms around the crusher for noise control. Berms may provide noise reduction up to 15 decibels when they are higher than the sight line between the noise source and the receptor.</p> <p>Comment Response to HUS-11: DEQ reviewed the proposed activities at the quarry and has determined that the potential emissions from the equipment are less than the applicable threshold for requiring a Montana Air Quality Permit (ARM 17.8.743(1)(b)). However, Bullock would still be subject to the following emission standards which apply to both permitted and unpermitted facilities:</p>

Comment Code	Comment	Response
		<ul style="list-style-type: none"> • ARM 17.8.304(2) Visible Air Contaminants - No person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. • ARM 17.8.308(1) Particulate Matter, Airborne - No person shall cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of airborne particulate matter are taken. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over six consecutive minutes, except for emission of airborne particulate matter originating from any transfer ladle or operation engaged in the transfer of molten metal which was installed or operating prior to November 23, 1968. • ARM 17.8.308(2) Particulate Matter, Airborne - No person shall cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter. <p>Bullock would be required to take “reasonable precautions.” Bullock could use a variety of means to satisfy the “reasonable precautions” requirement, including but not limited to, the application of chemical dust suppressant and/or water on haul roads and access roads and the prompt revegetation of disturbed areas. Sampling and pre-monitoring is not required under the Clean Air Act of Montana or the corresponding administrative rules. An air quality permit is not required for the Bullock operations. Ambient air quality monitoring for such operations is typically not required by DEQ, even for sources that are required to obtain an air quality permit.</p> <p>The quarried material is inert. The particulate matter potentially released during operation would be regulated as particulate matter– primarily as Particulate Matter with an aerodynamic diameter of 10 micrometers or less (PM10). Potential emissions are expected to be less than the permit threshold requirement, and dust control would likely be required to meet the reasonable precautions provisions. Therefore, because particulate would be emitted at levels below the permitting threshold and controlled, DEQ does not believe that particulate matter would be hazardous to nearby residents. Concurrent reclamation would limit the potential for blowing dust from the operating area. The rock fragments left in the soils would also limit blowing dust.</p> <p>Comment Response to HUS-12: The ore hauling trucks on York Road (S-280) would be licensed highway vehicles with loads within limits set by the Montana Department of Transportation (MDT). Vehicle traffic would comply with speed, traffic and safety regulations administered by the Montana Highway Patrol and Lewis and Clark County Sheriff’s Department. Increased traffic on the secondary highway would be an unavoidable impact with approval of this operating permit application. The Bullock operations are located adjacent to York Road northeast of Helena, MT. A traffic pattern study performed by the Montana Department of Transportation in 2018 recorded an average of 477 vehicles per day on York Road between Lake Helena Drive and York Bridge.</p> <p>The EA has been updated to disclose the average number of truckloads per day expected from the proposed quarry as required under MEPA. The substantive requirements of the Metal Mine Reclamation Act, however, do not address the occurrence of traffic accidents</p>

Comment Code	Comment	Response
		<p>in hauling the mined product from the site. Therefore, DEQ does not have authority to regulate this impact.</p> <p>These concerns were noted in the EA as a public disclosure. The MDT has authority over public highways in Montana and was sent a copy of the EA. The existing access road at York Road, Reference Post (RP) 10.87, was permitted for residential use. To use this approach as a commercial truck approach, Bullock must submit a change in use for the approach. Once submitted to MDT, MDT will review the approach location, the type of vehicles anticipated, and the volume of vehicles using the approach and the through traffic on York Road (S-280) to determine if mitigation is required. The approach must be constructed for the largest design vehicle. Approaches need to be constructed to MDT's approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses.</p> <p><u>Comment Response to HUS-13:</u> See Section 17 of the Final Environmental Assessment. The proposed project does not prevent access to recreation areas (Devil's Elbow Campground). The proposed project would likely have an impact on the quality of recreation at the campground due to increased noise and diminished viewshed.</p> <p><u>Comment Response to HUS-14:</u> See Comment Response to HUS-11</p> <p><u>Comment Response to HUS-15:</u> By state law, Bullock is required to take reasonable precautions to control dust (ARM 17.8.308). Responsibility for medical expenses is beyond the scope of this EA. Operations, like that of Bullock, must not cause or contribute to an exceedance of an ambient air quality standard. Ambient air quality standards have been promulgated to be protective of human health and the environment. Rules and regulations that would apply to Bullock (i.e., the requirement to take reasonable precautions to control dust) are meant to be protective of ambient air quality.</p> <p><u>Comment Response to HUS-16:</u> See Comment Response to HUS-10 and HUS-11</p> <p><u>Comment Response to HUS-17:</u> See Comment Response to HUS-3</p> <p><u>Comment Response to HUS-18:</u> Comment noted.</p> <p><u>Comment Response to HUS-19:</u> Section 7 of the EA discusses historical and archaeological impacts. The Montana Cultural Resource Database under the State Historic Preservation Office indicates that no inventoried historical sites, archaeological, or paleontological resources are known to be present within the proposed permit area. Therefore, impacts to historical or cultural resources are not likely to occur.</p>

Comment Code	Comment	Response
AND-1	<p>April 13, 2020</p> <p>Herb Rolfes, Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality PO Box 200901 Helena, MT 59620</p> <p>Mr. Rolfes,</p> <p>We are responding to the pending application by Bullock Contracting for Operating Permit No. 00199, authorizing quarrying of crushed rock. Although the March 10th letter sent to some homeowners stated the comment period ended April 3rd, we have been informed that has been extended to April 17th. Note we did not receive a letter from your department asking for comment on the application, even though we are directly impacted.</p> <p>As some background, we are members of the Lakeview Ranch Owners Association (LROA) with covenants and bylaws filed with the county in October of 1996. The 61 tracts of 20 plus acres were all sold in 1997, and housing construction began shortly thereafter. Most of the tracts are developed and occupied by full time homeowners. We moved into our new home in February 1998.</p> <p>Mr. Bullock purchased his 100 or so acres of land adjacent to LROA in 2016. We point this out because at the time Mr. Bullock purchased his land, our adjoining LROA was fully developed, and clearly visible to Mr. Bullock. Also, very visible at the time of his purchase was the 42 unit Devil's Elbow Campground on Hauser Lake, the adjoining Two Camp Vista commemorating the Lewis and Clark Expedition, and Clark's Bay Day Use Area. These three beautiful and historic areas on the lake are all directly across York Road from Mr. Bullock's recent land purchase. In fact, the entire area in the vicinity of the proposed mining was densely populated long before the Bullock land purchase.</p> <p>Upon purchase, Mr. Bullock immediately brought heavy equipment onto his acreage and started digging. All of us on the eastern side of the development who slept with their windows open during the summer of 2016 (and subsequent years) were greeted with the noise of heavy equipment and plumes of dust as early as 6:00 am. Several homeowners could no longer keep their windows open because of the noise and dust, nor could they enjoy their outdoor spaces. It was such a disruption to our neighborhood that in August of 2016 the Board of Directors asked Mr. Bullock for a meeting. Mr. Bullock assured us his project was only to build a 2nd roadway into the property so that he could develop it into 4 or so 20 acre parcels. He was also crushing rock moved for the driveway for a project near Nelson. He stated the work, while maybe taking up to two years, would then be completed. Little did we know even then he was operating without the permits and oversight your department requires. Also, little did we know that our efforts to be accommodating would turn into an expanded mining project that he wants to continue for the next 25 years. This is not acceptable. Our homes were here first. The campground and day use areas were here first. The surrounding homes on the far side of his acreage were all here first. What is DEQ, Lewis and Clark County, and the State of Montana doing to protect our property rights and our right to be able to enjoy the quiet and beauty around us without fear of health concerns from the dust, possibility of well contamination, noise pollution and drastically increased heavy truck traffic on York Road?</p> <p style="text-align: center;">1</p>	 <p>Comment Response to AND-1: See Comment Responses to HUS-9, HUS-11, HUS-5, HUS-10, and HUS-12</p>

Comment Code	Comment	Response
<p>AND-2</p> <p>AND-3</p> <p>AND-4</p> <p>AND-5</p> <p>AND-6</p>	<p>We have carefully read the Draft Environmental Assessment and have these questions.</p> <ul style="list-style-type: none"> • What penalty has the State of Montana imposed on Mr. Bullock for his illegal mining operation in existence since 2016? We ask that specifically because LROA has twice received notice of violations of the Montana Water Quality Act due to some dirt runoff into Hauser Lake after an unusually heavy rainfall. Although we had nothing to do with the road placement in a natural drainage, approved by your department in 1997, we were held responsible for subsequent runoff and threatened with penalties of \$10,000 per day until corrected to your satisfaction. This was at considerable expense to LROA including well over \$30,000 in mitigation efforts. Has Mr. Bullock paid the fines you assessed? If not, why not? • Since Mr. Bullock continues to dig while this application is pending, why have you not shut down his operation? What is your plan when the inevitable violations continue during the 25 years of the permit? • Page 3 of your draft assessment states the permit boundary is 71 acres and the proposed "disturbance area" is 24.5 acres. Anyone looking at the land can see the disturbance area is virtually the entire 70 acres. This includes a road he just built along the property line of homes on the far east side of our neighborhood, in violation of his permit application stating no new roads will be built. (See top of page 4.) He is in violation of his proposal even before the permit process is complete. What has been your department's response? We assume the purpose of the road is for movement of heavy equipment, mere feet from people's homes. The dust from just this road alone will contribute to the air pollution he is producing, and that is before we even talk about the rock crushing activities. The multiple large dirt piles and pieces of heavy equipment scattered around contribute to the eyesore this has already become. • Page 4 states the intent is to dig 65 feet below the surface, crush 200 tons of rock per day, work year-round, seven days a week, during day light hours for 25 years. On site equipment includes crushers, generators, loaders, dozers, excavators, and haul trucks. On the top of page seven "potential blasting" is discussed. Yet, in the draft assessment, the impact on geology, soil quality, stability, moisture, water quality, air quality, and vegetation cover are all deemed "<u>short-term and minor and would not be significant.</u>" Please tell us what your department's definition of short-term and minor is, because obviously it is not in keeping with the common use of the English language. Who else should be doing an environmental impact investigation? • The section called "Aesthetics" is particularly troublesome and downright absurd. The draft assessment states the mining operation will be visible to a wide area, and the noise will be noticeable to residents and campers. (You fail to mention the dust clouds.) We live approximately 1 mile from the current digging with a small hill between, and we can clearly hear the heavy equipment, particularly the backup beeping. Some days we can see the cloud of white dust rising a hundred feet or more into the air. In the summer "daylight hours" can mean more than 15 hours of mining, permitted seven days a week. Yet your assessment calls these disruptions "<u>short term and moderate and would not be significant.</u>" Perhaps not significant to those in downtown Helena, but I can assure you very significant to those of us who live and recreate in this area. Who has determined this disruption to our lives, our health, and the enjoyment of our property and those of <p style="text-align: center;">2</p>	<p><u>Comment Response to AND-2:</u> See Comment Response to HUS-1</p> <p><u>Comment Response to AND-3:</u> See Comment Response to HUS-1</p> <p><u>Comment Response to AND-4:</u> See Figure 2 of the Final Environmental Assessment with an updated map from aerial imagery obtained on April 29, 2020. The disturbance area has been verified to match the proposed disturbance and disturbance for the shop/laydown area. See also Comment Responses to HUS-11 and HUS-8.</p> <p><u>Comment Response to AND-5:</u> An EIS is a detailed environmental review that is required whenever an agency proposes a major action significantly affecting the quality of the human environment (75-1-201(1)(b)(iv), MCA). The action proposed does not meet this criterion. See also Comment Response to HUS-3</p> <p><u>Comment Response to AND-6:</u> See Comment Response to HUS-3</p>

Comment Code	Comment	Response
<p>AND-7</p> <p>AND-8</p> <p>AND-9</p> <p>AND-10</p> <p>AND-11</p>	<p>everyone around us, including the campers for the next 25 years "would not be significant?" What standards are you using?</p> <ul style="list-style-type: none"> On page 10, under the section titled Local and State Tax Base and Tax Revenues, the assessment states "no change in tax revenue" is anticipated. Mr. Bullock's mining operation is not expected to contribute to county and state revenue. His four to six employees include family members. There are many other projects he is involved in, and denial of the permit certainly would not result in loss of jobs because they would be absorbed into other projects. On the other hand, those directly impacted by the mining operation intend to request reappraisals because of the negative impact on our homes. This will result in a loss of tax revenue. Page 10 also discusses the impact on recreational activities. Although the mining operation will be in full view of, and fully heard by, the campground users, this is apparently acceptable because it is <i>only daylight hours, seven days a week, for the next 25 years</i>. This is listed as "short term" and "not significant," apparently your department's default phase. Again, we would like an explanation of your alternative use of these commonly understood terms and how your department came to this conclusion. Who did you talk to before reaching this conclusion? Page 11 discusses the impact this mine will have on private property. The draft assessment states the issuance of the permit "would affect the real property of nearby private landowners" ... therefore the issuance of the permit would not have private property-taking or damaging implications. Please explain the clearly contradictory nature of these two sentences. <p>Although you should deny the permit, we are under no illusion that you will. We do believe we have legitimate questions and concerns that need to be addressed. A public hearing would be the best place for this to occur. In addition, because Mr. Bullock has commenced mining next to residential, historical, and recreational areas in existence long before he purchased his land, we believe he should be required to adjust his permit plan. We tried to be accommodating neighbors back in 2016 when he told us it was a two year project. Now he wants another 25 years to expand his mining operation at our expense. If the Department of Environmental Quality has the authority to grant the mining permit over our objections, then they also have the authority to regulate the extent of mining activities. This would include limiting the hours each day that Mr. Bullock can disrupt our neighborhood and the campers and limiting the number of days each week. This can be discussed more fully at a public hearing. We look forward to hearing from you.</p> <p>Sincerely,  Mike and Betsy Anderson 5270 Riverview Rd. PO Box 5400 Helena, MT 59604 betsyroak@hotmail.com</p> <p>Cc: Governor Steve Bullock Senator Scott Sales Representative Julie Dooling</p>	<p>Comment Response to AND-7: Sale or market value of adjacent property may be negatively affected by the presence of Bullock's operation, but DEQ has no specific information on this issue at this site.</p> <p>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.</p> <p>Although DEQ does not have the authority to minimize noise impacts, Bullock has agreed to limit hours of operation and use berms to reduce noise, similar to requirements in the Opencut Mining Act. Therefore, DEQ has determined it is appropriate to look to the Rygg study for guidance in this situation. See also Comment Response to HUS-9.</p> <p>Comment Response to AND-8: See Section 17 of the Final EA and Comment Response to HUS-3</p> <p>Comment Response to AND-9: See Comment Response to HUS-9</p> <p>Comment Response to AND-10: This statement is incorrect. DEQ would issue a mining permit for the Bullock site under the Metal Mine Reclamation Act (MMRA) which is published in Sections 82-4-301, et seq., of the Montana Code Annotated (MCA), and the Administrative Rules of Montana (ARM) promulgated under that statute and published in the ARM Title 17, Chapter 24, Subsection 1. Neither the statute nor rules of the MMRA provide explicit authority to limit hours of operation at permitted mines. Permit stipulations in a draft or final permit may, unless the applicant consents, address only compliance issues with the substantive requirements of the MMRA or rules adopted pursuant to the MMRA. See the final Environmental Assessment for the updated hours and days of operation that Bullock has committed to. Based upon Bullock's consent, hourly limitations and daily operations have been added as stipulations to the Hard Rock Mining Operating Permit.</p> <p>Comment Response to AND-11: Activities at the Bullock site would be regulated by the Metal Mine Reclamation Act and administrative rules promulgated under that Act. There is no requirement for a public meeting under these statutes or rules. The Montana Environmental Policy Act does not require a public meeting for Environmental Assessments. There is a requirement for public participation, but that has been met as evidenced by the number of comment letters received for this project. In response to public comments, DEQ extended the EA comment period to allow for additional public input.</p>

Comment Code	Comment	Response
<p>DEC-1</p> <p>DEC-2</p> <p>DEC-3</p> <p>DEC-4</p> <p>DEC-5</p> <p>DEC-6</p>	<p>Herb Rolfes</p> <p>Operating Permit Section Supervisor</p> <p>Draft EA permit 00199</p> <p>Dear Mr. Rolfes</p> <p>I'm not sure why the current operation is allowed to continue since your own document states that it is unpermitted. Doesn't this require some action of correction?</p> <p>The EA speaks to year round activity, Monday through Sunday. It seems to me that five days a week, with hours similar to 8-5 would be more reasonable. We have listed to the back up warning devices on the equipment starting at 5:30 am for the remainder of the day for may months. It's time for some relief.</p> <p>The document speaks to employing 4-6 employees and then states that Bullock is at full staff.</p> <p>The document speaks to no direct impacts within ¼ mile. Well that's just not the case. The equipment can be heard within the subdivision, yes at 5:30AM. It also states that operation would coincide with ranch and agricultural operations. That simply is not true.</p> <p>The trucks currently moving crushed rock are using York Rd and spilling gravel on the road being picked up by cars and thrown onto other windshields. The new roundabout is being degraded by the large belly dumps going over the established road surface onto the shoulder and causing damage to that area.</p> <p>I would like to see some consideration given the no machinery/heavy equipment allowed on weekends. Minimum of 1000 yard setback from adjacent land owners, and the 8-5, 5 days a week as previously stated for work hours.</p> <p>Thank you for your consideration</p> <p>Ralph DeCunzo</p> <p>Lakeview Ranch subdivision.</p>	<p><u>Comment Response to DEC-1:</u> See Comment Response for HUS-1</p> <p><u>Comment Response to DEC-2:</u> See Comment Response for HUS-10</p> <p><u>Comment Response for DEC-3:</u> Bullock currently employs 4-6 people at the Devil's Elbow site. If the proposed permit was issued, the employment would not change.</p> <p><u>Comment Response for DEC-4:</u> Comment noted.</p> <p><u>Comment Response for DEC-5:</u> See Comment Response for HUS-12</p> <p><u>Comment Response for DEC-6:</u> See Comment Response for AND-10. Neither the statute nor rules of the Metal Mine Reclamation Act provide explicit authority for DEQ to limit hours of operation at permitted mines or require a 1000-yard setback from adjacent land owners.</p>

Comment Code	Comment	Response
<p>DEG-1</p> <p>DEG-2</p>	<p>From: David de Gil [mailto:david@rhawk.com] Sent: Wednesday, April 15, 2020 2:13 PM To: Rolfes, Herb <HRolfes@mt.gov> Cc: david@rhawk.com Subject: [EXTERNAL] DEQ Comments on Permit No. 00199 Importance: High</p> <p>David de Gil 5155 Ridge Crest Rd Helena, MT 59602</p> <p>April 14, 2020</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> <p>RE: Bullock Contracting, LLC - Application for Operating Permit No. 00199</p> <p>Dear Mr. Rolfes,</p> <p>As a homeowner in Lakeview Ranch I strongly object to the DEQ's proposed approval of the Bullock Contracting, LLC application. Although my property is not adjacent to the Bullock property, I do hear the noise and, depending on the equipment in use, I can see the activity from my home. Additionally, the large, heavy trucks on York Road have made turning at Peaks View Road quite hazardous. The trucks leaving the mine do not seem interested in the speed limits and this poses a danger to campers walking along the road and people crossing York road to and fro between the Lakeside general store/gas station and the Lakeside bar.</p> <p>The potential negative impacts addressed in your assessment are categorized as "short term." However, 25 years of industrial and traffic noise, exhaust fumes, dust, disturbance to wildlife, and noxious weed propagation, combined with the potential for serious erosion, drainage, runoff, and water and well issues, is a very long time for homeowners who chose this location</p>	<p>Comment Response to DEG-1: See Comment Responses to HUS-10 and HUS-12</p> <p>Comment Response to DEG-2: See Sections 5 and 6 of the Final Environmental Assessment. There are no threatened or endangered species identified in the proposed project area. Habitat for species identified in the Montana Natural Heritage Program report is common and not unique to the proposed permit area. Rather, development and recreational use of the reservoir have already made this area suitable for species that have adapted to human activity. As indicated in the Draft EA, the proposed permit area is less than 500 feet from the shore of Hauser Lake, which is created by Hauser Dam, a hydroelectric dam on the Missouri River. Development on this section of the Missouri River includes medium to high-density subdivisions, multiple recreational boat launches, a 42-unit recreational vehicle campground which averages 700-800 visitors per week between Memorial Day and Labor Day, and commercial development within two miles of the proposed project area. Disclosed impacts and the proposed land use at the end of mine life are both comparable to surrounding land use.</p> <p>As discussed in Section 4 of the EA, land disturbance at the site may result in propagation of noxious weeds. Any surface disturbances would be reclaimed and seeded with an appropriate seed mix. The project area would be subject to the Lewis and Clark County Weed Management Control Plan and to the 2017 Montana Noxious Weed Management Plan.</p>

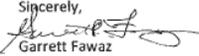
Comment Code	Comment	Response
		See also Comment Responses to HUS-3, HUS-12, HUS-11, HUS-7, HUS-4, and HUS-5.
DEG-3	<p>for its many attributes--natural setting, minimal traffic, wildlife, unobstructed views, quiet-- that are currently being affected, and will be even more impacted over the estimated period of operation.</p> <p>These are not just minor issues. They are significant concerns that affect the use and value of homeowners' properties, not only in Lakeview Ranch, but along York Road as well. There are more than a "few residences" here, and they were in place prior to the mining operation.</p> <p>The duration of activity states that operations will only be during daylight hours, which implies that they could be operating equipment nearly 16 hours per day during summer months. The noise, dust and exhaust fumes would affect recreational visitors at the Devil's Elbow Campground as well as homeowners and visitors to the area historic sites.</p>	<p>Comment Response to DEG-3: See Comment Responses to HUS-11, HUS-10, and HUS-13</p>
DEG-4	<p>In addition to the aesthetic impacts, I am concerned about the possibility of potential effects on water and existing wells. Section 2, Water Quality, Quantity, and Distribution, states "Groundwater quality could be impacted by other by-products of operation, including spilled fuel and nitrate residual from potential blasting." What assurance is there that aquifer and well systems will not be affected? The depth and location of wells varies with each property. What legal responsibility does Bullock Contracting have in the event of damage or contamination? The reclamation plan states "the operator would mine the site until the intended elevation of the post mine access road is reached, which is estimated to be 25 years." If 25 years is only an estimate, can the mining continue beyond that point? Will reclamation begin immediately when the post mine access road is reached? What if the applicant abandons the project? How will it be enforced? Is there a timetable?</p>	<p>Comment Response to DEG-4: See Comment Responses to HUS-4 and HUS-5</p>
DEG-5	<p>Overall, the assessment assumes this company will earnestly adhere to all regulations and operate within the limits detailed in its application and permit. However, it has already proven to be dishonest by operating without a permit and has deliberately misled the neighboring landowners about the intended use of the property. The DEQ will not be on site every day to monitor the operations. Noncompliance could result in damage that might not be immediately evident. What consequences are there if Bullock Contracting is noncompliant?</p>	<p>Comment Response to DEG-5: Modifications to operating permits are regulated under the Metal Mine Reclamation Act (MMRA). If Bullock applies for a revision to an operating permit, the review process would be governed by applicable laws and rules at that time. Section 82-4-336 (3), MCA, requires reclamation activities to be completed by a permittee no more than two years after completion or abandonment of the operation, in the absence of an order by DEQ providing for a longer reclamation period. DEQ requires permittees to post a reclamation bond prior to issuing the final operating permit. The reclamation bond amount is based on estimated costs to the state to ensure compliance with the reclamation plan that was submitted with the permit application and approved by DEQ. All approved reclamation plans must comply with Title 75, Chapters 2 and 5, MCA, the MMRA, and the rules adopted thereunder. See ARM 17.24.140 for more information on requirements for calculating a reclamation bond.</p>
DEG-6	<p>This unpermitted mining operation currently has adverse effects on the surrounding area. If this application is approved, we will be living with the negative impacts for a very long time.</p> <p>Sincerely,</p> <p>David de Gil</p>	<p>Comment Response to DEG-6: DEQ would issue a mining permit for the Bullock site under the Metal Mine Reclamation Act (MMRA) which is published in Sections 82-4-301, et seq., of the Montana Code Annotated (MCA), and the Administrative Rules of Montana (ARM) promulgated under that statute and published in the ARM Title 17, Chapter 24, Subsection 1. Bullock will be inspected at least annually by DEQ for compliance with the MMRA. Noncompliance may also be reported by citizens. Per ARM Section 17.24.129(1), "any person may request an inspection by the department of any operation by furnishing the department with a signed statement, or an oral report followed by a signed statement, giving the department reason to believe that there exists a violation of the Act, the rules adopted pursuant thereto, the permit, the license, or the exclusion; or that there exists a condition or practice that creates an imminent danger to the public or that is causing or can be reasonably expected to cause a significant, imminent environmental harm to land, air or water resources." Enforcement actions, including response to citizen complaints, violations, penalties, and permit suspension are further covered in ARM Sections 17.24.129 through 17.24.137. DEQ issues violation letters for verified violations. The determination of whether</p>

Comment Code	Comment	Response
		<p>or not to seek formal enforcement is dependent on the various circumstances of the violation.</p>
<p>DOD-1</p> <p>DOD-2</p>	<div style="text-align: center;">  <p>Kent A. Dodge 5700 York Road Helena, MT 59602</p> <p>March 3, 2020</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality PO Box 200901 Helena, MT. 59620-0901</p> <p>Dear Mr. Rolfes:</p> <p>This letter is written in response to your February 27 letter regarding the expansion of the hard rock mine near Devils Elbow Campground. I am very disappointed in the poor quality of the Draft Environmental Assessment. Particularly I find it woefully lacking on the issues of dust, eagles, public safety, and ground water. These concerns are basic to any legitimate investigation as to whether this expansion should be allowed or not.</p> <p>There is not data regarding the amount of dust this operation is already producing. 4-6 months of data needs to be collected to document the total amount of airborne particulate that is currently being added to the local population. This would be particularly important during the camping season because I have witnessed near-daily huge plumes of dust being generated by the current operation, let alone an expansion. Regarding your Draft Environmental Assessment (DEA) the direct impact states that dust control would meet particulate emission requirements, but offer no data to document if this was ever measured. Measurements need to be made both on-site and off-site especially down-gradient (Devils Elbow Campground) to document the total amount of airborne particulate.</p> <p>There are nesting eagles immediately bordering the southern boundary of the proposed mine expansion. It is unbelievable that this is not mentioned in the DEA. I was under the impression that this protected species has stricter rules concerning encroachment near their nesting area. At the very least these nesting eagles need to be acknowledged and a remedial plan developed (like reducing the size of the planned expansion) to accommodate for these protected birds. I have personally watched these bald eagles nest in the same tree for over 30 years. THEY ARE NOT EVEN MENTIONED IN THE DEA!</p> </div>	<p>Comment Response to DOD-1: See Comment Response to HUS-11 and HUS-6</p> <p>Comment Response to DOD-2: See Comment Response to DEG-2. Eagles are protected by various Federal laws including: the Migratory Bird Treaty Act of 1918, the Bald and Golden Eagle Protection Act of 1940, the Migratory Bird Executive Order, and various conservation agreements and strategies. However, neither the Bald Eagle nor the Golden Eagle are currently listed as Threatened or Endangered under the Endangered Species Act of 1973. The primary protection for the recovery of eagle populations is a ban on hunting or disturbing nests and a ban on the use of Dichlorodiphenyltrichloroethane, commonly known as DDT, in insecticides. The Montana Bald Eagle Management Guidelines address concerns about eagles’ sensitivity to human activity and provides recommendations for protecting bald eagle habitat in Montana.</p>

Comment Code	Comment	Response
DOD-3	<p>There is no mention in the DEA of the mine owners responsibility for ensuring public safety. Last summer, one of their haulers left the mining site with their belly-chute partially opened. The result was a 3-mile line of debris ranging in size of sand through rock along York Road from the mine exit to the Lakeside Store. No truck should be allowed to leave the site without a thorough inspection. The result of this negligence created great hazard for locals, recreation area users, and campers pulling the full range of trailers and 5-th wheelers. There is no mention of public safety in the DEA.</p>	<p>Comment Response to DOD-3: See Comment Response to HUS-12</p>
DOD-4	<p>The information provided about ground-water is inadequate. Both wells (271868 and 268362 (owned by Bulluck)) are up-gradient of the proposed expansion. Wells down-gradient need to be included to document if their water quality is compromised or their water-rights are being infringed upon. In that spirit, I am requesting that you document the static water-level in my well, as well as collect water quality samples that include pH, specific conductance, turbidity, and metals (including iron) before any expansion is approved.</p>	<p>Comment Response to DOD-4: See Comment Responses to HUS-4 and HUS-5. Neither the statute nor rules of the Metal Mine Reclamation Act (MMRA) require DEQ to test water quality or quantity in wells in proximity of pending operating permit boundaries. The MMRA does not provide explicit authority to require the operator to monitor water quality and/or quantity unless DEQ determines a great potential for adverse effects by the mining program (82-4-335(2)(b), MCA).</p>
DOD-5	<p>The DEA developed for the mine expansion near Devil's Elbow on Hauser Lake is greatly flawed regarding the issues of dust, eagles, public safety, and ground water. Data needs to be collected and an Environmental Impact Statement should be prepared for such a fragile site near the headwaters of the Missouri River. I am sending a copy of this letter to the U.S. Fish and Wildlife Service in Helena, MT. I am doing this out of great concern for not including a nesting pair of bald eagles in your DEA. I would greatly appreciate this proposal being denied.</p> <p>Sincerely,  Kent A. Dodge</p>	<p>Comment Response to DOD-5: See Comment Response to HUS-6 and AND-5</p>

Comment Code	Comment	Response
<p>FAW-1</p> <p>FAW-2</p>	<p>April 16, 2020</p> <p>Mr. Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau PO Box 200901 Helena, MT 59620-0901</p> <p>CC: Mr. Shaun McGrath</p> <p>Re: Proposed OP#00199 Bullock Contracting, LLC</p> <p>Dear Mr. Rolfes,</p> <p>This letter is being provided to express my strong opposition to DEQ's proposed approval of the Bullock Hard Rock Mining Permit. This proposed mining operation is in direct contradiction to DEQ's stated mission statement.</p> <p><i>The Montana Department of Environmental Quality is charged with protecting a clean and healthy environment as guaranteed to our citizens by our State Constitution. Our ultimate goal is to protect public health and to maintain Montana's high quality of life for current and future generations.</i></p> <p>With the recent submission by Helena Sand and Gravel for the gravel pit in the west Helena valley and now this proposed mining operation in my Helena valley neighborhood, I am seriously questioning DEQ's commitment to their mission statement. Any external review by anyone outside of DEQ and/or these mining operators would clearly depict a DEQ organization more centrally focused on protecting the mining operations over <i>protecting public health and maintaining Montana's high quality of life for current and future generations.</i></p> <p>Our neighborhood was established decades before Mr. Bullock purchased his adjacent property and done so to raise our families, provide a healthy environment in which to do so, enjoy the solitude and inherent beauty of the landscape, and to protect the healthy wildlife ecosystem. We did not invest our time, money, and energy in developing our neighborhood to have it ruined by an open gravel pit. Mr. Bullock is directly seeking to destroy all of that and more. And by approving his permit to do so, DEQ would be doing the same.</p> <p>In your duties as the Operating Permit Section Supervisor, I have the following questions and requests for you:</p> <p>Question 1: Why has DEQ allowed Mr. Bullock to operate the mine without a valid permit for over two years and continues to do so today? Please site-specific Montana statute that permits this operation to continue without an approved permit.</p> <p>Request 1: DEQ should immediately issue a cease and desist order for all mining operations in the area encompassing the proposed permit.</p> <p style="text-align: right;">1</p>	<p>Comment Response to FAW-1: See Comment Response to HUS-1</p> <p>Comment Response to FAW-2: The Metal Mine Reclamation Act does not require DEQ to issue an injunction against a person that is in violation of the statute or rules promulgated thereunder. DEQ issued a violation letter to Bullock and considers that violation to be unresolved at this time. Bullock's application for a Hard Rock Mining Operating Permit was one of the potential corrective actions identified in the violation letter. DEQ uses its enforcement discretion to evaluate the circumstance of each violation and to determine the most appropriate path for correcting and addressing violations. Please see 82-4-361, MCA, for information on violations, penalties, and waivers.</p>

Comment Code	Comment	Response
FAW-3	<p>Request 2: DEQ should conduct a full EIS and provide for public comment once the draft is completed.</p>	<p><u>Comment Response to FAW-3:</u> See Comment Response to AND-5</p>
FAW-4	<p>Question 2: Under what information and/or documentation has DEQ determined that there are no health effects to living organisms within the affected area? As the EA does not cite specific environmental studies and/or health studies conducted, please be specific and if such documentation exists, please either provide me a copy of such documentation and/or direct me via an URL to where I can electronically download this documentation.</p> <p>Facts bearing on this question:</p> <ul style="list-style-type: none"> Dust from surface mining operations produces airborne pollution including crystalline silica that can cause lung cancer, silicosis, COPD, kidney and autoimmune diseases; increase susceptibility to infections like TB; and increase hospitalizations for heart disease. The dust from gravel mining may also contain toxins such as heavy metals and radon, both of which cause cancer. 	<p><u>Comment Response to FAW-4:</u> Neither the Metal Mine Reclamation Act nor the Montana Environmental Policy Act (MEPA) require that a mine permitted under MMRA have no effects on living organisms within the affected area. The Environmental Assessment under MEPA discloses the potential impacts of an action on the human environment, defined as the attributes, including but not limited to biological, physical, social, economic, cultural, and aesthetic factors, that interrelate to form the environment.</p>
FAW-5	<p>Q: Under what conditions has DEQ completed any analysis of the health effects of airborne pollutions from this open gravel pit?</p> <ul style="list-style-type: none"> Dust and toxins can travel hundreds of miles, but the proximity to existing and future residents make the proposed gravel pit site an unacceptable health hazard. Fugitive particulate emissions, air pollutant emissions, and visible emissions will be produced, and even if these emissions are within the allowable limits of state regulations, the potential health effects will not be eliminated. 	<p><u>Comment Response to FAW-5:</u> See Comment Response to HUS-11. Bullock must follow all laws regarding air quality, including the ambient air quality standards, which have been established to be protective of human health.</p>
FAW-6	<p>Q: Under what auspice has DEQ proven that there will be no downwind effects of dust and toxins on the residents adjacent to and/or downwind of the open gravel pit (to include those residents residing south of the gravel pit along York Road)?</p> <ul style="list-style-type: none"> Dust landing on the property and homes of nearby residents will be stirred up during daily activities, thus magnifying the health consequences particularly for children and babies in utero. Because of greater physical activity, higher metabolic rates, and hand-to-mouth actions, young children will be more exposed than adults via both inhalation and ingestion. Toxic dust generated by pit operations would continue for years, but the health consequences can last much longer. <p>From my review of the draft Environment Assessment (EA) my input is (restating here that I do not agree with DEQs selection of an EA and my request for a full EIS remains as previously stated):</p>	<p><u>Comment Response to FAW-6:</u> See Comment Response to FAW-5</p>
FAW-7	<p>Q: Why is there no mention of a Bond established for Reclamation Plans? Montana's history of mining reclamation is a history of inadequacy whereby the citizens of Montana and the nation bear the financial burden through their tax dollars.</p>	<p><u>Comment Response to FAW-7:</u> See Comment Response to HUS-1</p>

Comment Code	Comment	Response
FAW-8	Request: Please provide DEQ's legal definition and/or opine of the phrase "Short Term," as it relates to this draft EA. The draft EA uses this term however, per the request, 25 years is listed as the permit duration. I personally find a duration of 25 years not a "Short Term."	Comment Response to FAW-8: See the Comment Response to HUS-3. Short term is defined on page 8 of the final Environmental Assessment as "those impacts that would not last longer than the life of the project, including final reclamation".
FAW-9	Request: Even though the EA states that the projected maximum depth of the open gravel pit will be approximately 63 feet, given the known damage that a gravel pit mining operation can cause to groundwater, I request DEQ conduct a hydrology study (by a certified hydrologist) to determine impacts to our groundwater.	Comment Response to FAW-9: See Comment Response to HUS-6
FAW-10	Q: Who is responsible for monetary costs for correcting any form of contamination to our well water and/or surrounding groundwater?	Comment Response to FAW-10 and FAW-11: See Comment Response to HUS-5
FAW-11	Q: If due to this contamination our well water is deemed non-potable, who is responsible for providing a new water source to our homes?	Comment Response to FAW-12: See Comment Response to HUS-7
FAW-12	Q: Who is responsible for erosion control and rectifying any damage from natural causes (storms, rain, etc.) and/or gravel pit mining operations?	Comment Response to FAW-13, FAW-14, FAW-15, and FAW-16: See Comment Response to HUS-6
FAW-13	Request: DEQ in conjunction with MDOT conduct a study on York Road to determine: <ul style="list-style-type: none"> • Safety of the road due to the increased truck traffic. Specific attention should be made around Clark's Bay BLM day-use state park, Devil's Elbow Vista Overlook (blind hill approach) and Devil's Elbow BLM multi-day state park. • Traffic volume. Two studies- one in the spring and one in mid to late summer to ensure accurate data on seasonal traffic to both parks listed above. • Noise and dust pollution effects due to truck schedules on York Road. 	
FAW-14	Request: DEQ in conjunction with the Montana Department of Commerce determine the recreational impacts to camping, boating, and hiking opportunities available in this area due to the gravel pit mining operations.	
FAW-15	Request: DEQ in conjunction with Montana Department of Fish, Wildlife & Parks (fisheries department) determine if any environment impacts from the gravel pit mining operations will have any negative impacts to aquatic and avian life in Hauser Lake for the life of the permit.	
FAW-16	Request DEQ in conjunction with Montana Department of Fish, Wildlife & Parks determine if any wildlife displacement impacts will occur during the life of the gravel pit mining operations.	
	<p>Thank you in advance for your time in reading through this letter and I look forward to hearing from you soon.</p> <p>Sincerely,  Garrett Fawaz 5120 Peaks View Drive Helena, MT 59601 C: 406.461.6661</p>	

Comment Code	Comment	Response
MHU-1	<p style="text-align: right;">  </p> <p>April 8, 2020</p> <p>Mr. Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Section Dept. of Environmental Quality PO Box 200901 Helena, MT 59620-0901</p> <p>RE: Draft Environmental Assessment for Application for Operating Permit No. 00199, by Bullock Contracting, LLC and/or Buster Bullock</p> <p>Dear Mr. Rolfes:</p> <p>I am Merlyn Huso, who, along with my wife, are owners of tract # 40, in Lakeview Ranch subdivision near Hauser Lake, and are members of the Lakeview Ranch Home Owner's Assn, (hereafter LVROA). I am writing in opposition to and protest of the proposed approval of the Permit #00199, providing for 25 years of continued rock crushing, storing, loading, and transporting at the Bullock location adjoining our property. We have peacefully enjoyed this property for the last 18 years. The last 3 years haven't been as enjoyable and you are proposing to extend that intrusion for the next 25 years, dawn to dusk, seven days a week. That is totally unacceptable.</p> <p>The approach roads to our subdivision are steep and expensive to maintain, but that factor has provided a quiet environment. When, after exiting York Road and reaching the top of the hill on Peaks View Drive, the world changed from a bustling, fast paced one to a relaxing place where both whitetail and mule deer inhabited the land. You were able to see an occasional wild turkey and even still hear coyotes sing their song. That has changed.</p> <p>Members of LVROA were initially misled by Mr. Bullock when they approached him upon the early beginning of his rock crushing venture. They were told that he would only pursue the venture for two years and that a permit wasn't required. We were not aware that he was operating illegally at that time without a permit. Now he has already expanded operations in anticipation of approval by your department. This process apparently affirms the supposition that if you push through an unapproved action the penalty is significantly less than the loss of revenue if the legal process had been followed. Apparently the Mining Bureau endorses this type of action. No penalty fee application was mentioned in your letter.</p> <p>LVROA was required by the DEQ to construct drainage control ponds on River View Drive to prevent drainage sediment from reaching Hauser Lake/Missouri River with the threat of a \$10,000 fine being impose. We completed that project. Now Bullock, LLC has added one road to the previously existing access road and is in the process of constructing a third access road at the height of York Road, where it adjoins his property, that will send runoff water during a hard rain both north and south, likely affecting runoff past the Devil's Elbow BLM campground and the Clark's Bay day use area and into the Missouri</p>	<p>Comment Response to MHU-1: See Comment Response to HUS-1</p>

Comment Code	Comment	Response
MHU-2	<p>River. What controls have been established for that runoff? Perhaps the Environmental Assessment was incomplete. It is also my understanding that Lewis and Clark County placed restrictions on road access locations when our subdivision was initially developed.</p>	<p><u>Comment Response to MHU-2:</u> See Comment Response to HUS-7. DEQ is unaware of any road access restrictions for the haul route.</p>
MHU-3	<p>The trucks exiting the project have created their own set of issues pertaining to safety when they access York road where large campers frequently access and exit the road from the opposite side. The spilling of gravel along their route impacts road conditions as well as creating broken windshields as it is kicked up by vehicles, including the trucks themselves. This impact is not limited to York Road as Lake Helena Drive and Wylie Drive also show deteriorating impacts. What is the contribution to road maintenance for the excessive wear that is made by Bullock LLC?</p>	<p><u>Comment Response to MHU-3:</u> See Comment Response to HUS-12</p>
MHU-4	<p>The Environmental Assessment references that the adjoining property is ranch land. There haven't been cows in this area for 25 years, with the exception of the Myles and Winterburn herds as they use York Road to access and return from their summer pastures above the community of York. The surrounding area is residential with its inclusions of lakeshore properties, recreational areas and developed subdivisions. Additionally the subdivision hosts the Helena Symphony when Nick Wilder sponsors a fund raising concert for the orchestra on a summer evening, possibly accompanied by the sound of beeping back-up signals of heavy equipment and views of dust rolling up from the rock crushing activity to the east. These properties have existed for several years, well in advance of the beginning of Bullocks project. Perhaps this is another area that should require a full Environmental Impact Statement.</p>	<p><u>Comment Response to MHU-4:</u> See Comment Response to HUS-10 and HUS-11</p>
MHU-5	<p>Additionally, the Assessment references two other mines in the area. The only known "mine" activity involves the sale of "buckets" of earthen material purchased by tourists who seek the elusive sapphires. Reportedly this material is hauled in from one of the sand bars located downriver</p>	<p><u>Comment Response to MHU-5:</u> The two mines in the area are sapphire placer mines, an activity that falls under the definition of hard rock mining. Both operate under the Small Mine Exclusion allowed in the Metal Mine Reclamation act for hard rock mines with disturbance under 5 acres.</p>
MHU-6	<p>In addition to a 180 foot deep well, we also have an additional 6 closed loop wells at 120 feet deep that facilitate a ground source heat pump. These wells encountered water at 120 feet deep requiring additional shorter depths because the 4 planned wells at 180 feet would not stay open. A spring that surfaces on a neighbor's property also indicates water nearer the surface than depicted in your assessment.</p>	<p><u>Comment Response to MHU-6:</u> Comment noted.</p>
MHU-7	<p>This is not a case where other residences did not exist. This project originated where established valuable residences have existed for over 20 years. We were here first. Montana does not have a shortage of rock available for crushing at other less intrusive areas. Estimates of decrease in value of these residences vary from 30 to 20 percent due to the eyesore, noise, diminished air quality and heavy truck traffic. It has become necessary to consider legal action to fight this intrusion to preserve our property values or seek damages for their loss in value if this project is allowed to proceed.</p> <p>I look forward to hearing from you.</p> <p>Sincerely,  Merlyn Huso 5425Peaks View Drive Helena, MT</p> <p>Cc: Lewis and Clark County commissioners</p>	<p><u>Comment Response to MHU-7:</u> See Comment Response to HUS-9</p>

Comment Code	Comment	Response
<p>KAR-1</p>	<p>Deborah R. Karon 5355 Peaks View Dr. Helena, MT 59602 Lakeview Ranch Owners Association (H.R.O.A) Member Since 2005 (406) 431-1090 Email: debkaron1@gmail.com</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau / Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901 (406) 444-3841 Email: hrolfes@mt.gov</p> <p>April 10, 2020</p> <p>Dear Mr. Rolfes: Re: MT DEQ Draft Environmental Assessment Proposed OP#00199 Bullock Contracting, LLC</p> <p>This letter's purpose is for voicing opposition to the hard rock mining permit application (#00199) submitted in Lewis & Clark Co. to the DEQ for the property located approx. 13 miles northeast of Helena, west of York Road. This area is a long established, peaceful, rural and residential area as well as one of the few lake and recreational retreat areas in the immediate Helena area. There are over 110 residential properties spread throughout the forested mountains, thousands of acres of BLM land, campgrounds, Clark's Bay, Lakeside Restaurant & Bar, and Lakeside General Store all surrounding Hauser Lake. Aside from being a popular boating hub for all of the Helena East Helena and surrounding areas population, Hauser Lake also flows directly into the Missouri River. Hauser Lake is one of the few places where Helena residents, as well as our states growing number of tourists, can go to escape the noise and busyness of the city to relax and enjoy it's peace, tranquility and recreational uses. All of the residential properties and recreational facilities have been established in this unique community long before Mr. Bullock purchased his property and decided to start disrupting our peaceful existence with his persistent and disruptive noise and environmental pollution that have been wreaking havoc on our lives, properties, health and well being for approx. 3+ years now.</p> <p>As soon as I, and others in our community, saw the crushers, screeners and various other pieces of heavy earth-moving equipment being positioned onto Bullock's property we started contacting and alerting the proper agencies (DEQ, EPA, L&C County, etc...) who would oversee and/or authorize construction operations of various sorts throughout the State Of Montana. There had been absolutely zero notification as to what, if anything was being planned for that property to warrant the use of such excessive machinery. There had only been a residential home site up until that point. After our initial investigation into what the intension for that property, we were informed that it had been purchased by Mr. Bullock and that the owner of any private property can utilize a percentage of it's materials from the total acreage for personal use as long as the materials where not being used in a "commercial" manner and that Bullock was within his rights as the owner. But it was only a couple of short weeks later that he started crushing, screening and trucking endless tons of his property's materials and gravel off that land to use for the York Road Project as well as for numerous other projects that Bullock Contracting LLC was awarded in and around the Helena and surrounding areas throughout the state. If I am not mistaken, I believe that would constitute that Bullock was using those materials from his property in a commercial manner because he got paid for it all! Myself as well as several of the other Lakeview Ranch Owners had personal meetings with Mr. Bullock (of Bullock Contracting LLC) in attempts to further inquire on his intentions in a friendly and neighborly fashion and Bullock responded, to all who inquired, that he was merely using the materials for a few projects that his Bullock Contracting LLC had been awarded and that it was only for about 2-3 years and after that he would be establishing home sites on that property/acreage. Now, after living with this extremely obtrusive nuisance and giving Mr. Bullock the benefit of the doubt that he would be true to his original word, he has abruptly and seemingly underhandedly submitted this permit for a hard rock open pit mining operation that states it will be in operation for 25 years and be running 7 days a week!</p>	<p>Comment Response to KAR-1: See Comment Response to HUS-1</p>

Comment Code	Comment	Response
<p>KAR-2</p> <p>KAR-3</p> <p>KAR-4</p> <p>KAR-5</p>	<p>This will be (and has been) the most utterly intrusive and disruptive operation to our beautiful Hauser Lake Community and will absolutely encroach on our right to a "peaceful existence"! In addition, it also falls into the law known as "Coming To The Nuisance" or "Moving To The Nuisance", which states: {"A nuisance occurs when one land owner engages in conduct which significantly affects, interferes or otherwise negatively impacts another's ability to use and enjoy their own property or which may affect health, safety and welfare."} (See Attached Document - 1)</p> <p>An open hard rock mining operation right in the heart of this community would be devastating and ruin the quality of life that I, all of my neighbors, the Helena and East Helena residents have enjoyed so very much for so long. I beseech you to hear my and all of our concerns. Please take into careful consideration the enormously negative impact that such an operation would have on Hauser Lake, the Lakeside community, BLM, the City of Helena residents, East Helena residents, Lewis & Clark County, tourists, and the environment in which we all live and breathe.</p> <p>Our first concern is traffic and public safety. There is only one access in and out of the Lakeside community, which is York Road. York Road has many blind corners, limited room on the shoulder and several school bus stops. The Community Hall/Fire Station is located near the entrance to the community with very little room on the shoulder to park. Many residents and their children walk, run or bike on these roads at all times of the day. There are homes with driveways immediate to York Rd. as well as small children that play in those driveways that are in extremely close proximity directly off of York Rd!</p> <p>With the proposed amount of 200 tons of gravel being extracted per day it would mean that a constant and unnecessary amount of semi and/or 10-wheeler dump truck traffic would be traveling back and forth on York Road every day. This unnecessary heavy truck traffic will cause road congestion, air and water pollution, extreme amounts of wear and degradation to York Rd., a greater potential for accidents, as well as a much greater potential for windshield damages. Both my husband and I had to replace our windshields in the last year and a half alone due directly to Bullock's trucks throwing off rocks!</p> <p>Our second set of concerns is the noise, dust, earth tremors (which travel through the ground from all of the site heavy equipment and heavy dump truck traffic), air pollution and water pollution. The Lakeside area is unique to Helena with many mountains, BLM Land and Hauser Lake. The proposed mine is located directly across from the Devil's Elbow Camping/RV grounds and boat launch. The noise, dust and pollution created by this "proposed quarry" would adversely affect the entire community as the consistent winds carry the extreme amount of excavated mining particulates through the air directly over all of the Devil's Elbow Recreational area, Clark's Bay Recreational Area, Residential Properties and the whole northeast end of Hauser Lake which is heavily used by the public and flows into the Missouri River as well.</p> <p>Along with all of the air and water pollution the constant noise pollution has been and will be absolutely unbearable! I, as well as many other residents, have completely lost the ability to relax and enjoy any amount of time outside of our homes, since the start of this unpermitted operation (approximately 3 years ago). This is due to the excessive heavy equipment movement, backup alarms, heavy dump and onsite truck movement, and the hard rock crushing machinery (which is not only extremely loud but also unnervingly obtrusive)! The earth tremors and vibrations that the crusher creates, as well as the obnoxiously persistent sounds of the backup alarms, travel through the earth and canyon airways, which cause disruption and trauma to me every day they are operating! My third concern is the aquifer, which is the supply for all of our residential wells and springs. The applicant proposes to excavate an approximate total of 24.5 acres to a depth of 65 feet. The aquifer running through this area is extremely fragile! Through my research into this particular aquifer I have discovered that it is a bit of an anomaly and it is not completely understood how it was actually formed or even exists here. This aquifer is the source that feeds all of our wells and springs through its underground tributaries and streams. If this aquifer were to be punctured at one or more of its "critical" underground tributaries or streams, due to the drastic amount of virgin earth disruption that this mining operation proposes, it would be beyond devastating! Water always follows the path of least resistance and any single, multiple or successive development or site alteration activity would have an irreversible negative impact on the residential wells, natural springs, important wetlands, Hauser Lake and the Missouri River water way.</p>	<p>Comment Response to KAR-2: See Comment Response to HUS-12, HUS-11, and HUS-4</p> <p>Comment Response to KAR-3: The Montana Department of Transportation (MDT) is tasked with keeping debris off all state roads, including York Road. Concerned citizens may contact MDT if there is debris on the road. If debris is repeatedly found on the road and is traced to a commercial operation, the operation may be fined for the cost of cleanup.</p> <p>Comment Response to KAR-4: See Comment Response to HUS-11, HUS-10, and HUS-4. DEQ is not aware of any negative impacts from earth tremors caused by routine equipment use.</p> <p>Comment Response to KAR-5: See Comment Response to HUS-4, HUS-7, and HUS-5</p>

Comment Code	Comment	Response
KAR-6	<p>Our next concern is for the wildlife. Since Bullock moved heavy equipment onto his property (approx. 3 years ago) there has been a huge decrease in all species of wildlife that once graced the properties of our Hauser Lake Community. I realize that there can always be temporary disruptions to our wildlife that accompanies any "normal and temporary" construction and earthwork projects in areas that have previously been left "untouched. However, this proposed hard rock mining operation is no "normal" or "temporary" disruption! With the 25 year "proposed" timeframe of disruption that Bullock proposes for this property we all can forget about ever seeing the likes of much wildlife (if any) for a very long time! (25 years could even be longer than some of us have of our remaining natural years!) All of us have chosen to move out into the Hauser Lake Community for its peace and tranquility, as well as the enjoyment of living amongst its beautiful wildlife. Mr. Bullock has been deceptively running this mining operation in an unpermitted manner for at least 3 years now and in that time there has been a noticeable decline in all of the wildlife that we once enjoyed to have visit our properties. Among the list of species were: White Tail Deer, Mule Deer, Hungarian Partridges, Sage Hens, Grouse, Porcupines, Wild Turkeys, Red Foxes, Black Bear, Mountain Lion and Coyotes. The degradation and decline of wildlife will greatly increase this hard rock mining operation is allowed to operate for the 25 year span, at the 200 ton, per 7 days a week rate of extraction proposed by Bullock. There is also the negative impact that all of the mine tailings and sediments washing into the natural ravines, swales and water tributaries from the disruption of such a heavy and long term excavating operation. On top of all of the airborne particulates generated by this "proposed" unnecessary and invasively long term hard rock mining operation, there will be constant toxic emissions from the heavy diesel trucks and heavy equipment seeping into the ground, continually. This will contaminate the groundwater, which flows into the wetlands, lakes, rivers, neighboring wells and springs, as well as all downstream waterways!</p>	<p>Comment Response to KAR-6: See Comment Responses to DEG-2, HUS-7, HUS-4, and HUS-11. There are no milling activities in existence or proposed for the proposed Operating Permit 00199. Mine tailings are a product of milling. Therefore, there would be no impacts from mine tailings under the proposed activities.</p>
KAR-7	<p>Another great concern is that if this application is approved, it will open this rural residential community up to multiple gravel or sand pits. There are already 5 aggregate pits within a 15 mile radius, all of which are currently outside of the community. I understand that aggregate is a very important resource for our city and surrounding communities for construction of roads, hospitals, schools, businesses and houses. But with such a proliferation of pits, and an overabundance of gravel coming right out of quarries located on more easily accessed roads, there is no need for another gravel pit, especially one in a rural residential area such as our Hauser Lake & Recreational Community.</p>	<p>Comment Response to KAR-7: See the summary in the final Environmental Assessment. Approving Operating Permit #00199 does not set any precedent that commits DEQ to future actions with significant impacts or a decision in principle about such future actions, nor does it set a precedent for DEQ's review of other applications for operating permits, including the level of environmental review.</p>
KAR-8	<p>In closing, I would like to say that a hard rock mining operation in our Hauser Lake Community would drastically affect both residential and recreational enjoyment. The decrease of our property values can be as much as 30% - 50% and destroy the quiet, peaceful community in which we live and have invested so much of our time and money. If a permit were granted, the negative impact that this hard rock mining operation would have on the environment and its inhabitants is irreversible. It would completely compromise the health and safety of our community and ruin the character of this unique place forever.</p> <p>I thank you for taking the time to hear my concerns and hope you will take them into consideration when making your decision about the future of our community.</p> <p>Sincerely,</p> <p>Deborah R. Karon Lakeview Ranch Owners Association Owner/Resident</p> <p>Cc: Montana Dept. of Transportation, Department of Natural Resources, Environmental Protection Agency, Lewis & Clark County Commissioner</p>	<p>Comment Response to KAR-8: See Comment Response to HUS-9</p>

Comment Code	Comment	Response
DMA-1	<p>4-16-20</p> <p>Herb Rolfes Operating Permit Section Supervisor, Hard Rock Mining Bureau, Department of Environmental Quality, Helena MT</p> <p>Dear Mr. Rolfes,</p> <p>I am a resident in the Lakeside area near the Bullock gravel operations. I am very concerned that my family will have to endure the disruption due to their mining activities for another twenty-five years. I am frankly appalled by the suggestion we would have to put up with this in our back yard any longer than we already have.</p> <p>Here is a list of my personal complaints and concerns for our neighborhood's future.</p> <ol style="list-style-type: none"> 1. The constant noise from heavy equipment crashing and crushing rock, back up bells beeping and semi-truck noise up and down the roads is not conducive to peaceful living in our community. It is just unacceptable. Recently some carpenters working in the area were shocked at the amount of noise we put up with on a daily basis, as was our plumber installing outdoor hydrants last summer. 	<p><u>Comment Response to DMA-1:</u> See Comment Response to HUS-10</p>
DMA-2	<ol style="list-style-type: none"> 2. The huge trucks are a hazard. My husband was literally run off the road last summer by a huge gravel truck going far too fast on York Rd. The driver blast his horn at my husband to get off the road and the truck just about lost control of the semi and trailer near the houses at Lakeside. My husband was quite shook up after the incident which of course frightened me. It could have been disastrous! 	<p><u>Comment Response to DMA-2:</u> See Comment Response to HUS-12</p>
DMA-3	<ol style="list-style-type: none"> 3. We have a lot of people walking and driving into the area down to the Lewis & Clark Historical site and the nearby Devil's Elbow campground especially in the spring, summer and fall. Those trucks driving with heavy loads are not able to stop quick enough if someone were to step out. Who will be liable for loss of life in an accident? The county or state? Both? Bullock mining? 	<p><u>Comment Response to DMA-3:</u> See Comment Response to HUS-12. DEQ is not a court and does not have the authority to adjudicate liability in the case of an accident.</p>
<p>Address City, St Zip Code</p>		

Comment Code	Comment	Response
DMA-4	<p>4. I am very concerned about the air contaminants blowing around from all the dirt. Our area is quite often filled with the dust haze over the hills. We know heavy metals from Uranium to Arsenic are in these hills, so they shouldn't be in the air anymore than necessary. This past winter the wind blew it right up into our hills where it hung in the air over our community making it look dirty and dusty for hours. I also have smelled the diesel exhaust from the heavy equipment while on our deck. As a person with a compromised immune system I can't tell you how discouraging that is when I am trying to get well.</p>	<p>Comment Response to DMA-4: See Comment Response to HUS-11 and FAW-5. Air contaminants in this area and for this operation are regulated by particulate size. The particulate air contaminants from this type of operation are typically in the form of particulate matter ≤10 micrometers in diameter (PM10). Bullock would be required, by state law, to take reasonable precautions to control airborne particulate matter (ARM 17.8.308).</p>
DMA-5	<p>5. I am very concerned about the long term affects to our water supply and the run off from snow & rain into the Missouri River below the operation. I can't help but think of all the areas that are being cleaned up and restored by "super funds" around our state from the mining operations already. Does our community really have to go through all that, too?</p>	<p>Comment Response to DMA-5: See Comment Response to HUS-4, HUS-5, and AND-5</p>
DMA-6	<p>6. Our property values will be diminished with such a long term operation. The properties overlooking the mine will never sell while that disgraceful mess exists. It is a BIG scar on the beautiful forest area already!</p> <p>As you can see our community has a lot of serious concerns and complaints with what the Bullock mining operation has done so far, let alone what our future will become were they to continue. Please consider this as if you were to live in this area.</p> <p>SINCERELY,</p> <p>DIANA MARSHALL 5475 PEAKS VIEW DR HELENA, MT 59602</p>	<p>Comment Response to DMA-6: See Comment Response to HUS-8 and HUS-9</p>

Comment Code	Comment	Response
LMA-1	<p>Hello Mr. Rolfes</p> <p>I understand that you are the Operating Permit Section Supervisor in the Hard Rock Mining Bureau for the Department of Environmental Quality. It is my understanding that the DEQ is requesting input from interested parties with regard to the Bullock Mine owner's application for permission to develop a hard rock mining operation on the 71 acre tract of land immediately adjacent to the residential area known as the Lakeview Ranch development.</p> <p>As a homeowner in that development, I wish to send this in opposition to approval of the Bullock Hard Rock operation. My family purchased our property and home in July 2017. I have serious concerns about the Bullock Operation that I am enumerating below for your consideration:</p> <p>1. Residential Neighborhood: As a member of the Lakeview Ranch Homowner's Association (LROA), I want to point out that our neighborhood was created long before Mr. Bullock obtained the adjacent 71 acre tract of land that has been tamed into a gravel pit. The LROA established a Declaration of Covenants, Conditions and Restrictions that is clearly intended to preserve the Lakeview Ranch properties in such a way that would preserve the quiet rural character of the area. It was this document that we understood to be in effect when we were considering the purchase of our property. While the Bullock land is not a part of the LROA, it's immediate adjacency to it causes a number of objectionable issues that are clearly not in keeping with the residential intent for the area. It has become evident that decisions were made by Mr. Bullock without permission or permits to turn his acreage into an industrial eyesore with objectionable characteristics for those living here.</p>	<p><u>Comment Response for LMA-1:</u> See Comment Response for HUS-9. DEQ does not have authority under the Metal Mine Reclamation Act to deny a permit based on vicinity to residential areas or homeowner's associations covenants. Lewis and Clark County has authority over all zoning within the county.</p>
LMA-2	<p>2. Road Construction: Shortly after moving the Lakeview property it came to my attention that the Bullock operation had bulldozed a road to access river view lots adjacent to my property. I received no notification of this activity, and want to point out that the existing fencing had been covered over in one place by the bulldozing activity. In addition, the road construction was facilitated by a great deal of fill material that effectively blocks the natural drainage from my property. While a culvert was installed, it is located about 15 feet above the floor of the original drainage canal on my land. In the event of heavy runoff, this has potential for creating a pond on my property before water would be able to flow under the road and off my property. I was not notified of this activity in advance, let alone requested to grant permission for it. I object to any neighbor conducting activities adjacent to my land that may adversely affect me without due consideration first.</p>	<p><u>Comment Response for LMA-2:</u> See Comment Response for HUS-9. Disputes regarding the detrimental effects of actions on lands held by property owners within the permit area and adjacent areas may be resolved in a civil action before a court. DEQ is not a court and does not have the authority to adjudicate disputes regarding private property.</p>
LMA-3	<p>3. Disturbance of the Peace: The Bullock operation is extremely noisy. We are continually assailed by the racket of heavy machinery, loaders, scrapers and gravel separators operating around the clock. The continual racket of backup-beepers is also a constant irritant in an area that is intended for rural residential use. There are heavy diesel sound frequencies that penetrate into my very living room, which is extremely annoying. In addition, the continual loud crash of heavy rock as it is dumped from the steel bed of heavy machinery adds to the din.</p>	<p><u>Comment Response for LMA-3:</u> See Comment Response for HUS-10</p>
LMA-4	<p>4. Historic Value: The historic value of the Missouri River is evident in the recreational sites that have been established overlooking Clark's Bay and the Devil's Elbow. The Bullock Operation is clearly out of place in the area scouted by the Lewis & Clark expedition. In clear view of my back deck I see a noisy, dusty and quite honestly, ugly gravel pit instead of the beautiful countryside that greeted the Corps of Discovery. This is not a good neighbor effect.</p>	<p><u>Comment Response for LMA-4:</u> See Comment Response for HUS-19 and HUS-13</p>
LMA-5	<p>5. Industrial Traffic in Residential Area: The Bullock operation includes a constant stream of heavy trucks running fast up and down York Road, hauling materials out of the "mine". With heavy loads, the trucks must use compression brakes to descend to York Road, which adds to the noise of the operation for neighbors.</p>	<p><u>Comment Response for LMA-5:</u> See Comment Response for HUS-12</p>

Comment Code	Comment	Response
LMA-6	<p>I was nearly run off the road by one of these vehicles last summer. The trucker was going so fast that he underestimated the half-mile distance I initially allowed. He ran up to within 20 feet of my rear bumper before laying on his air horn swerving onto the shoulder of York Road. I was forced to turn onto Peaks View Drive to allow him enough room to avoid completely rolling off the road and onto resident's homes in the Shimmering Sands neighborhood. Gravel and rocks from unprotected truck beds is also a hazard for anyone living in this area.</p> <p>6. Operation without Permission: It is my understanding that Bullock has been creating these annoyances with no permits. I do not wish be subjected to them for 25 years. Further, the Bullock organization assured the LROA that the current project was only expected to last for "2 years". Proceeding until one is "caught" is not neighborly, and doing things decently and in order and is not good neighbor policy. On the contrary, it strikes many of us as dishonesty.</p>	<p>Comment Response to LMA-6: See Comment Response to HUS-1</p>
LMA-7	<p>7. Environmental Impact: To follow up on #6, the weighty issues of Environmental Impact - Land Reclamation, Potential Drainage and Pollution running into the Missouri River, Noise Pollution, Air Pollution and Wildlife disturbances do not seem to have been taken into consideration. Heavy equipment requires fuel that appears to be stored around the Bullock gravel pit in large (gas station sized) fuel containers, within walking distance of neighbor's land. I can attest to the air pollution issues; our area is frequently inundated by dust blown back onto our property. This is unacceptable for a long-term operation on it's own merit alone.</p>	<p>Comment Response to LMA-7: See Comment Response to AND-5, HUS-4, HUS-7, HUS-10, HUS-11, and DEG-2</p>
LMA-8	<p>8. Mine Name: I have heard the Bullock operation referred to as a "Hard Rock" mine. There is a degree of ambiguity in this, as there are many different types of mining in use today. These suggest different types of techniques, water and chemicals used to extract minerals from the earth. Many of these techniques have resulted in long-term damage (Butte's Berkeley Pit, or the ASARCO smelter in East Helena). The "proceed until you are caught" approach that seems to be Mr. Bullock's method of operations sounds quite similar to those pollution disasters.</p>	<p>Comment Response to LMA-8: The proposed action at the Bullock site are similar to the majority of other rock product sites permitted throughout Montana. The Bullock site contains no milling or chemical/wet processing of ore on site. The rocks that are quarried are not acid-producing. After evaluating Bullock's Hard Rock Mining Operating Permit application, HRMB staff have concluded that the site operation and reclamation plan meets the requirement of the Metal Mine Reclamation Act, including the substantive requirements of the Clean Air Act, the Water Quality Act, and the Safe Drinking Water Act.</p>
LMA-9	<p>9. Diminished Property Values: The issue of property value is self descriptive. One of my neighbors owns a 20-acre plot of land on Overlook Way. The beauty of the site has been ruined by an ugly, noisy and environmentally unsound operation that has quite obviously reduced the value of the property. I am outraged that someone would be so focussed upon putting profit over neighbors.</p> <p>I would appreciate your attention to this and (I am sure) other complaints about this proposal. Let's not contribute to making the beautiful and historic state of Montana into a source of income for a thoughtless neighbor.</p> <p>Thank you for your consideration,</p> <p>L Marshall 5475 Peaks View Drive</p>	<p>Comment Response to LMA-9: See Comment Response to HUS-9</p>

Comment Code	Comment	Response
<p>MDT-1</p> <p>MDT-2</p> <p>MDT-3</p>	 <p>Montana Department of Transportation 2701 Prospect PO Box 201001 Helena MT 59620-1001</p> <p>Steve Bullock, Governor Michael T. Tooley, Director</p> <p>April 17, 2020</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> <p>Subject: <u>Bullock Contracting, LLC. – Devil’s Elbow Quarry</u> <u>Operating Permit # 00199</u> MDT Comments</p> <p>Dear Herb,</p> <p>The Montana Department of Transportation (MDT) staff has reviewed the Draft Environmental Assessment for the above referenced Hard Rock Pit site. MDT has the following comments:</p> <ol style="list-style-type: none"> 1. Page 3, Figure 2: <ol style="list-style-type: none"> a. The Mine Permit Boundary includes MDT right-of-way. Bullock Contracting does not have permission nor is permitted to impact MDT right-of-way. No work will be allowed within MDT right-of-way. MDT requested Mr. Bullock survey and fence the MDT property boundary. b. The existing access road at Reference Post (RP) 10.87 was permitted for residential use. To use this approach as a commercial truck approach, Bullock Contracting must submit a change in use for the approach (the change in use has not been received by MDT). Once submitted to MDT, MDT will review the approach location, the type of vehicles anticipated, and the volume of vehicles using the approach and the through traffic on York Road (S-280) to determine if mitigation is required. The approach must be constructed for the largest design vehicle. 2. Page 11, #21 Private Property Impacts. The Draft EA states, “The proposed project would take place on private land owned by Megan and Buster Bullock.” The Mine Permit Boundary includes MDT right-of-way; therefore this statement is incorrect. Mining has occurred within MDT right-of-way without easement or permit. MDT has issued as stop work notice for work within MDT right-of-way. 3. The future approach at RP 10.4 noted in the First Deficiency Review Response has not been approved. The approach permit was originally submitted for residential use, this <p>Planning & Policy Analysis Bureau Phone: (406) 444-3423 Fax: (406) 444-7071</p> <p>An Equal Opportunity Employer</p> <p>Rail, Transit and Planning Division TTY: (800) 333-7592 Web Page: www.mdt.mt.gov</p>	<p>Comment Response to MDT-1: DEQ is aware that the MDT has issued a void permit and trespass notice to Bullock for mining in the DOT right-of-way. Disputes regarding the existence and enforcement of easements held by property owners within the permit area and adjacent areas may be resolved in a civil action before a court. DEQ is not a court and does not have the authority to adjudicate competing claims regarding private property.</p> <p>Comment Response to MDT-2: See Comment Response to HUS-9</p> <p>Comment Response to MDT-3: See Comment Response to MDT-1</p>

Comment Code	Comment	Response
	<p style="text-align: center;">approach request has been voided. MDT has received new information concerning this proposed approach. MDT is currently reviewing the information submitted for the location and design. MDT has not determined is this approach will be allowed.</p> <p>If you have any questions concerning MDT's comments, please contact me.</p> <p>Sincerely,</p> <p><i>Jean A. Riley</i></p> <p>Jean A. Riley, P.E. Transportation Planning Engineer Montana Department of Transportation</p> <p>Copies: Bill Fogarty, P.E. – Butte District Administrator Jim Wingertter, P.E. – Great Falls District Administrator Chris Nygren – MDT Legal Services Jim Skinner – Policy, Program & Performance Analysis Bureau Chief Dan Walsh – DEQ Hard Rock Mining Bureau Chief File</p> <p style="font-size: small;"> Planning & Policy Analysis Bureau An Equal Opportunity Employer Rail, Transit and Planning Division Phone: (406) 444-3423 TTY: (800) 333-7592 Fax: (406) 444-7071 Web Page: www.mdt.mt.gov </p>	

Comment Code	Comment	Response
MIT-1	<p>Mark Mitchell 5005 Ridgecrest Rd Helena, MT</p> <p>April 11, 2020</p> <p>Hello Mr. Rolles,</p> <p>I bought my dream in 2019 only to learn in 2020 that a hard-rock mine is in the works directly within eyesight from what will be my family's home, hopefully, for the rest of my life and for generations to come.</p> <p>You see, when I decided to purchase 20 acres in the pristine Lakeview neighborhood I had visited the property numerous times before. Each time I visited, the property was peaceful -- so quiet and so still that my wife and I couldn't help but mark the moments by saying things like "wow, we'll never leave" and "can you believe it?" However, after purchasing the land, and the weather continues to warm, it would appear that more and more commotion comes from the southeast line of view. And, Mr. Rolles, we can't believe it. Trucks and dust and big, loud mechanical noises. Who would've that that an illegal mining operation would sit just a half mile from our new dream. It irks me for several reasons, as you may be able to imagine.</p>	<p><u>Comment Response for MIT-1:</u> See Comment Response for HUS-9, HUS-10, and HUS-11</p>
MIT-2	<p>I'm generally a person who does my research. Still, I didn't notice anything about a hard-rock mine leading up to my decision to place my family in Lakeview neighborhood. A part of me wonders if this is being the mine has supposedly been operating without a permit. I wonder how this is acceptable? I wonder why we would award this by then granting them a permit at all, let alone one that allows them to operate for the rest of some of our resident's lives. I also wonder about the logic behind placing a hard-rock mine right next to two well-used camp and recreation sites, a scenic lake, a far-reaching river, and a neighborhood filled with people who most certainly did not dream of a hard rock mining neighbor operating during all waking hours, seven days a week.</p>	<p><u>Comment Response for MIT-2:</u> See Comment Response for HUS-1</p>
MIT-3	<p>It's a disappointment. Though, I try to be practical and understand that mining is an essential industry and offers employment to people. However, this mine appears to employ very few individuals, this one in particular indicates six. The proposed expansion of the mining operation doesn't appear to include any opportunity for additional employment.</p>	<p><u>Comment Response for MIT-3:</u> See Comment Response for HUS-13</p>
MIT-4	<p>Under MEPA, it's my understanding that the state intends to "protect the right to use and enjoy private property." Now, it appears that the Bullock mine is being cared for under this, but I'm not so sure the rest of the individuals with private property in the area are being considered in the same way. Is our property less significant? Are we less significant? Because we choose to live in harmony with the lands we own instead of prying it open to pad our pocketbooks?</p> <p>I also understand that MEPA promotes efforts that will prevent, mitigate, or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans. I don't see how a hard rock mining operation a stone's throw away from residences aligns with this.</p>	<p><u>Comment Response for MIT-4:</u> See Comment Response for HUS-9</p>

Comment Code	Comment	Response
MIT-5	<p>I've read the environmental assessment prepared by Tetratch and have doubts about the conclusions. I, like others who will be impacted by the mining operation, have doubts in the reports insistence that the cumulative impacts are of little concern. There's nothing small about 25 years of dust, noise pollution, and who knows what other environmental impacts. MEPA states that an Environmental Impact Statement is require whenever an agency proposed a "major action significantly affecting the quality of the human environment." Given that "major" and "significantly" are not readily defined, this appears to be up to discretion. Also, seeing as how 25 years of disruptive operations translates into an entire generation of humans adversely impacted, I would encourage the preparation of a full EIS, if at all possible.</p>	<p><u>Comment Response to MIT-5:</u> See Comment Responses for HUS-3 and AND-5</p>
MIT-6	<p>The negative impacts to the repopulation of the endangered grizzly bear species into our area is a big concern of mine. Just last year, grizzly hair captured on rubbing trees set by wildlife biologists, was found just outside of York just a few miles to our east. This mine is all but a guarantee that these majestic creatures will never make their way into the thousands of acres of BLM land that surround the proposed mining site.</p> <p>If people should have to be subject to something to which they are fundamentally and wholly opposed, then they should be subject to it while being informed of the full and encompassing bounds of the impacts that will be made to them in order to fill the pocketbooks of few.</p>	<p><u>Comment Response to MIT-6:</u> See Section 6 of the final Environmental Assessment. A search of the Montana National Heritage Program did not identify grizzly bear habitat within the proposed permit boundary or surrounding areas. The level of all activity in the area, including the mining operations, would likely deter grizzly bears in the immediate area of the operation.</p>
MIT-7	<p>I write this recognizing that mining has holds power within the state and that it is unlikely the department will reverse course due to the letters written by a few humans impacted by an eye sore, a noise nuisance, and an air quality polluter. However, I do think it would be within the realm of acceptable alternatives to implement several mitigated actions on the operation, such as mandating that they only work 5 days a week during normal business hours (i.e. 8-5).</p> <p>Thank you for your time and for your dedication to upholding the Montana Department of Environmental Quality's mission, which I've copy/pasted directly from the website to ensure I have summarized it correctly:</p> <p>"The Montana Department of Environmental Quality is charged with protecting a clean and healthy environment as guaranteed to our citizens by our State Constitution. Our ultimate goal is to protect public health and to maintain Montana's high quality of life for current and future generations."</p> <p>Sincerely,</p>  <p>Mark Mitchell</p>	<p><u>Comment Response to MIT-7:</u> See Comment Response for AND-10.</p>

Comment Code	Comment	Response
PIC-1	<p>Mr. Herb Rolfes April 17, 2020</p> <p>We are writing this letter to object to the Hard Rock Mining permit #00199 that Bullock Contracting is applying for through the Montana DEQ. We live on tract 45 and own tract 42, both overlooking the mining site. There is no way to get away from the constant equipment noise and the back up beepers. This is no place for that type of operation. We stand in agreement with all the letters objecting to the permit written by the stake holders of Laketview Ranch.</p>	<p><u>Comment Response to PIC-1:</u> See Comment Response to HUS-10</p>
PIC-2	<p>It never ceases to amaze me how often I am told by people from all around the State that they have been to Devils Elbow and how much they enjoy the peace and tranquility of the place. This usually comes up in a conversation about where we live. I now of many Helena residents that DE is their campground of choice for short summer weekend campouts with their kids. This is no place for a gravel mining operation of that magnitude and the increased heavy truck traffic resulting from it. Has the State budgeted monies to repair and rebuild York road in the next few years?</p>	<p><u>Comment Response to PIC-2:</u> See Comment Response to HUS-12</p>
PIC-3	<p>I think all would agree that the Lakeside area as a whole is a great Recreation and Vacation area that the Helena economy benefits from. There are lots of year round residents but I would say just as many part year residents and Vacation rentals. Do we really need an industrial mine in the midst of this driving people away due to the noise and truck traffic?</p> <p>I have on doubt that Mr Bullock is a fine man but he should be doing something that is more suited for the area neighbors and the Helena economy! This is no place for a gravel pit.</p> <p>Thank you Doug and Linda Pickering Tract 42 Lakeview Ranch</p>	<p><u>Comment Response to PIC-3:</u> The Metal Mine Reclamation Act and the corresponding Administrative Rules of Montana do not prohibit operations at this location. See Comment Responses for HUS-10, HUS-12, and HUS-13.</p>

Comment Code	Comment	Response
<p>RAD-1</p> <p>RAD-2</p> <p>RAD-3</p>	<p>March 14, 2020</p>  <p>Montana Department of Environmental Quality Air, Energy and Mining Division P.O. Box 200901 Helena, MT 59620-0901</p> <p>RE: Bullock Mining operation permit #00199</p> <p>Dear Mr. Herb Rolfes: I have concerns regarding the review of the permit referenced above. I am a residence of the neighboring community of LakeView Ranch, which is in a homeowners association. This association is adjacent to Mr. Bullocks property, with many private property owners bordering his property. There are approximately 62 parcels in LakeView Ranch Owners Association. After reading the Draft Environmental Assessment my concerns are as follows:</p> <ol style="list-style-type: none"> 1. Water Quality Impact on ground water quality: There is a questionable impact of nitrate residual <i>due to mining</i>. I have tested my personal well and I have an increased value in nitrates. Could Bullocks mining be the increase of nitrates in our well water, as our association is prior BLM land. 2. Air Quality/Human Health There has been a significant problem with dust particles, fugitive dust from mining, load and crushing in the past years of Bullocks mining operation. There has been dust plumes in the direction of neighboring residential housing which impacts human health for surrounding residential neighbors in our HOA. I personally have seen these over the last couple of years from my residence. 3. Aesthetics Noise level of Bullocks mining operation is heard miles away by neighboring residential areas and Devils Elbow Campground. In the past couple years of Bullocks mining operation, they have started operating at sunrise and end operations at dusk. Operations are sometime 6 to 7 days a week, which is unacceptable to his neighbors. Mr. Bullocks mining operation is visible to surrounding residential housing and Devils Elbow Campground which is unappealing and does not fit into the natural habitat or natural landscape, promoting a negative atmosphere. Which may affect our property values I can hear and see Mr. Bullocks mining operation from my residence and I am miles away. 	<p>Comment Response to RAD-1: See Comment Response to HUS-4. In the application for Operating Permit No. 00199, Bullock states that “to date, no blasting has been necessary.” Blasting explosives, such as AN/FO (ammonium nitrate/fuel oil), are generally the source of nitrate residual in mining. Potential sources of nitrates in groundwater could be fertilizer used for residential lawns, crops, or golf courses, or discharge from septic systems or other animal waste. Based on the mining operation of Bullock to date, the operation does not appear to be the source of the elevated nitrates in your groundwater well.</p> <p>Comment Response to RAD-2: See Comment Response to HUS-11</p> <p>Comment Response to RAD-3: See Comment Response to HUS-8, HUS-10, HUS-13, and HUS-9</p>

Comment Code	Comment	Response
<p>RAD-4</p>	<p>Please consider my concerns. I was only notified about this in a short span of time and Unfortunately, many homeowners are snowbirds or unaware of this time frame to respond. There are others in our association who have concerns but they do not want to respond as they have used Bullock for personal work and our association has hired Bullock for road work and feel it is a conflict.</p> <p>If you are to grant a permit, please consider restrictions :</p> <ol style="list-style-type: none"> 1. Hours of operation: 8-5 2. Days of operation M-F 3. Mining a minimum of 1000 yards from all property lines 4. Control of dust particles: No operation when it is windy, use of water to contain Plumes. 5. Have Nitrate levels checked regularly. <p>If I can answer any questions or you need further information from me please don't hesitate to contact me. I am often not here in Helena during the winter months. My email is valley.14@hotmail.com</p> <p>Thank you for considering my concerned over this matter.</p> <p>Truly,  Valerie Radu Residence: 5325 Riverview Dr. Mailing address: 2047 N Last Chance Gulch #180 Helena, MT 59601</p>	<p><u>Comment Response for RAD-4:</u> See response to comments for HUS-11 and AND-10.</p>

Comment Code	Comment	Response
<p>SMI-1</p> <p>SMI-2</p> <p>SMI-3</p>	<p>From: James Smith [mailto:smith045@umn.edu] Sent: Wednesday, April 15, 2020 4:10 PM To: Rolfes, Herb <HRolfes@mt.gov>; karen <karen@speeddoggy.com> Subject: [EXTERNAL] Opposition to Bullock mining</p> <hr/> <p>Dear Mr. Rolfes</p> <p>I would like to voice my opposition to the Bullock Mining operation on York Road. This operation opened up (non-permitted) long after Lakeview Ranch Subdivision was built. This isn't like we bought land next to the operation and now complain about it.</p> <p>We purchased our property outside of Helena because we desired to be away from the inherent undesirable qualities of city life such as air pollution, noise, traffic, crime, and crowding. We desired peace and quiet and a healthy lifestyle. It came at the cost of poor Police and Fire response time, no city water, sewer and no natural gas.</p> <p>The Bullock Mining operation, I remind you, started without permission, and operated two years without regard to anti-pollution standards and after agreeing with the board of directors of Lakeview Ranch owners Association in 20117 to limit for two operation two years. They lied.</p> <p>Bullock Mining moved next to a residential community, not a commercial area and as scofflaws violated their agreement with the homeowners association and have not paid attention to fuel, hydraulic oil leakage, dust abatement, and silt runoff into the nearby Missouri river until requesting a permit to operate. What makes you think they'll comply with those regulations now given their past history?</p> <p>Montana has a dark history from mining that has left us with a heritage of disasters such as the Berkely pit, Asarco, and Marysville to name a few.</p> <p>As a bureaucrat I am certain that you will rubber stamp Bullock Mining's permit to operate under the auspices of whats legal. However, what's legal and what's "right" are not always the same. Slavery was legal 160 years ago. It was legal for only men to vote 100 years ago. The Berkely pit and Asarco were legal. But they were not "right".</p> <p>Montana's dark history from mining should not be our legacy for now or the future. We have had our beautiful state polluted and poisoned. Stop this now. Do not allow Bullock Mining to pollute and poison the Upper Missouri river with it runoff, dust, diesel fuel, and hydraulic fluid regardless of the promises they now make.</p> <p>If you approve Bullock Mining's permit you will alone have left Montana with a legacy of pollution and poison. Shame on you sir. Shame on you.</p> <p style="text-align: right;">James T. Smith 5055 Ridge Crest Rd. Helena, Mt. 59602</p>	<p><u>Comment Response to SMI-1:</u> See Comment Response to HUS-1</p> <p><u>Comment Response to SMI-2:</u> See Comment Response to HUS-11, HUS-7, and HUS-1. Bullock has submitted a spill control and countermeasure plan with the application for Operating Permit No. 00199. If the permit is approved, Bullock must follow the approved plan in case of spills or releases of hazardous or deleterious substances or other wastes.</p> <p><u>Comment Response to SMI-3:</u> See Comment Response to AND-5</p>

Comment Code	Comment	Response
SWA-1	<p>From: DANE SWAN [mailto:dswan123@msn.com] Sent: Friday, April 17, 2020 10:30 AM To: Rolfe, Herb <H.Rolfe@mt.gov> Subject: [EXTERNAL] Quarry permit 00199</p> <p>Greetings Mr. Rolfe,</p> <p>I've been made aware of a quarry permit number 00199 and we have some concerns. I am the landowner for Township 11 North, Range 2 West, P.M.M., Lewis and Clark County, Montana Section 22, Tract 35, N1/2SE1/4. This is a 20-acre tract, approximately 2 miles from the proposed quarry location. My wife and I have been working with an architectural firm and general contractor in preparation to build a house on our property. We picked this location because of favorable attributes like pristine views, clean air and water, quiet location, and close proximity to Helena and our family. Additionally, we picked this area to build a home because it is a residential development, which seems to be rapidly developing. We have several concerns about the proposed quarry location because it risks all of the favorable attributes that we considered when purchasing the land.</p> <p>We also have concerns about potential damage to our land value. Some of the research that we studied suggest that we could suffer a 20-30% loss in land value as a result of the proposed quarry. [1] [2]</p> <p>I would like to reference an environmental study that you may be familiar with, as it provides some insight into potential impacts to our local environment. The study describes affects from quarry activities near a riverbed:</p>	<p>Comment Response to SWA-1: See Comment Response to HUS-9</p>
SWA-2	<p>Several serious environmental impacts related to quarrying activities on and near the river, such as vibrations, land degradation, land subsidence and landslides, water pollution, occupational noise pollution, and air pollution, will lead to health-related problems and loss of biodiversity. Quarrying operations can adversely alter pre-existing ecosystems, and change hydrogeological and hydrological regimes. This adverse influence of stone and sand quarrying induces damage in property, depletion of ground water, loss of fertile topsoil, degradation of forests, deterioration in aquatic biodiversity and public health. On the other hand, haphazard quarrying of sand from riverbeds may cause a rapid change in bed configuration in response to the changes in flow. Quarrying basically destroys landscape. This can lead to downstream movement, scouring, or accumulation of sediment while provoking shoreline erosion. When riverbeds are composed of sand, this on-going pattern of erosion and deposition causes meanders to progress slowly downstream in time. In this study, change detection and environmental impacts due to stone and sand quarrying activities in the watershed area have been determined and evaluated using multi temporal Landsat 5 TM satellite images that were verified with ground truth data. These time series data on the extent of land in eco-sensitive areas were examined to assess the impact on environment. At the end of the study, thematic maps of the affected areas were created by using appropriate visualization and classification techniques in conjunction with geographical information system. Consequently, the changes on the mouth of the river were investigated by the impact analyses of quarrying activities established on and near upstream of the riverbed. Owing to this, a considerable extension in the shoreline around 400 m was observed on the river mouth in the study area. [3] [4]</p>	<p>Comment Response to SWA-2: York Road (MT Secondary Highway 280) is adjacent to the eastern edge of the permit boundary, between the proposed permit area and the Missouri River. The proposed disturbance area is above the elevation of York road, and the permit application proposes to mine down to the current elevation of the road. As the construction and continued operation of York Road have not caused detrimental erosion or damage to the existing riverbed, the proposed permit disturbance area is not expected to contribute to erosion or damage of the riverbed.</p>
SWA-3	<p>Lastly, we have concerns about possible tailings from the quarry, potential impacts to our well water and risks to our family's health. These issues will likely affect all of the homeowners in the local area and the quarry will most certainly be an eye sore for homeowners who live directly above it.</p> <p>We strongly urge you to reconsider the approval of operating permit No. 00199.</p> <p>V/R, Dane C. Swan Cell-(801) 663-6263</p> <p>[5] [6] http://researchwatch.org/wp-content/uploads/2016/02/15-Study-on-the-impact-of-pits-quarries-on-home-prices.pdf</p> <p>[7] [8] https://www.google.com/maps/@46.8555556,-112.8455556,12z/data=!3m1!1e3!3m2!1s3Cp8e-AMU-Q883ND8B-4CF-A1-4pQDR-AR-Band-4p6fC1AN292F0www-planet-remote.org/3Eypq4q42F8C45E8ad.pdf&saq=AJCkV3wv21P29N3Qp4bc1V9T6p4bC7</p> <p>[9] [10] https://www.researchgate.net/publication/235793394_Environmental_impact_analysis_of_quarrying_activities_established_on_and_near_a_river_bed_by_using_remotely_sensed_data</p>	<p>Comment Response to SWA-3: See Comment Response to KAR-6 and HUS-5.</p>

Comment Code	Comment	Response
<p>TRE-1</p> <p>TRE-2</p> <p>TRE-3</p>	<hr/> <p>From: Mike Trevor <MikeT59602@live.com> Sent: Tuesday, March 31, 2020 3:41 PM To: Rolfes, Herb Subject: [EXTERNAL] Bullock Contracting, LLC mining permit</p> <p>March 30, 2020</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality</p> <p>Subject: Bullock Contracting, LLC mining permit</p> <p>We are residents of Lake View Ranch subdivision. Located to the west, at the opposite end of the development, we are not directly affected by the existing and planned mining operation east of the subdivision. However, we feel that having this noisy, dirty operation so close to our neighborhood is disruptive to our quality of life. Also, the truck traffic is a constant hazard as all of us enter and leave the York Road highway.</p> <p>Perhaps, an even more important consideration than the destructive impact on our 50-plus residential properties, is the incompatibility with the recreational and historical qualities of the immediate area along Hauser Lake, which are very close to this mining operation. I feel that the process of determining the impact of an additional 25-years of operation must consider the following points:</p> <ol style="list-style-type: none"> 1. Hauser Lake area is an increasingly important recreational destination for Montana residents and out of state vacationers. Even though the surrounding area has experienced growth in residential properties and the original river was dammed forming Hauser Lake, there is still the natural pristine feeling of the Missouri River as it was back in the days of the Lewis and Clark expedition. Two of the Lewis and Clark expedition's camping spots are close to Devil's Elbow campground which is a valuable asset to the tourist attraction of the area. 2. A person doesn't need to be an expert in natural and historical resource planning to realize that around the clock, seven days a week mining operation doesn't belong in the close proximity to such a wonderful recreation tourist attraction that we have right here close to Helena. Truck traffic, dust and noise are results that will be realized if this activity is approved to go on indefinitely. <p>In the event that the disruption of quality of life for residents of our subdivision and the incompatibility of dusty, noisy mining operations right next to some of Montana's highest quality recreational and historical areas are disregarded, and this permit is approved, you must limit the hours of operation and limit the truck traffic.</p> <p>Thank you for considering our concerns about this pending permit and subsequent operations.</p> <p>Mike and Judy Trevor 5278 Shedhorn Drive Helena, MT 59602</p> <p>Sent from Mail [go.microsoft.com] for Windows 10</p>	<p>Comment Response to TRE-1: See Comment Responses to HUS-13 and HUS-19</p> <p>Comment Response to TRE-2: See Comment Response to HUS-12, HUS-11, and HUS-10</p> <p>Comment Response to TRE-3: See Comment Response to AND-10.</p>

Comment Code	Comment	Response
	<p>April 11, 2020</p> <p>Re: Proposed OP#00199 Bullock Contracting, LLC</p> <p>Dear Mr. Rolfes,</p> <p>This letter is being delivered to you in opposition of Bullock Contracting LLC's proposed operating permit #00199.</p> <p>I bought my dream in 2019 only to learn in 2020 that a hard rock mine is in the works directly within eyesight from what will be my family's home, hopefully, for the rest of my life and for generations to come.</p> <p>You see, when I decided to purchase 20 acres in the pristine Lakeview Ranch neighborhood I had visited the property numerous times before. Each time I visited, the property was peaceful – so quiet and so still that my husband and I couldn't help but mark the moments with comments like "wow, we'll never leave" and "can you believe it?"</p> <p>However, after purchasing the land, it would appear that more and more commotion comes from the southeast line of view. And, Mr. Rolfes, we can't believe it.</p>	
WOL-1	<p>Trucks and dust and big, loud mechanical noises that are inherently at odds with the surrounding area. It irks me for several reasons, as you may be able to imagine.</p>	<p><u>Comment Response to WOL-1:</u> See Comment Response to HUS-10</p>
WOL-2	<p>I'm generally a person who does my research. Still, I didn't notice anything about a hard rock mine leading up to my decision to place my family in the Lakeview Ranch neighborhood. A part of me wonders if this is because the mine has supposedly been operating without a permit. I wonder how this is acceptable? I wonder why we would then award this by granting them a permit at all, let alone one that allows them to operate for the rest of some of our residents' lives. I also wonder about the logic behind placing a hard rock mine right next to two well-used camp and recreation sites, a scenic lake, a far-reaching river, and a neighborhood filled with people who most certainly did not dream of a hard rock mining neighbor.</p>	<p><u>Comment Response to WOL-2:</u> See Comment Response to HUS-1</p>
WOL-3	<p>It's a disappointment. Though, I try to be practical and understand that mining is an essential industry and offers employment to people. However, this mine appears to employ very few individuals (what was it? four to six?) and the proposed expansion of the mining operation doesn't appear to include any opportunity for additional employment.</p>	<p><u>Comment Response to WOL-3:</u> See Comment Response to HUS-13</p>
WOL-4	<p>Under the Montana Environmental Policy Act (MEPA,) it's my understanding that the state intends to "protect the right to use and enjoy private property." Now, it appears that the Bullock mine is being cared for under this clause, but I'm not so sure the rest of the individuals with private property in the area are being considered in the same way. Is our property less significant? Are we less significant? Because we choose to live in harmony with the lands we own instead of prying them open to pad our pocketbooks?</p>	<p><u>Comment Response to WOL-4:</u> See Comment Response to HUS-9</p>
WOL-5	<p>I also understand that MEPA promotes efforts that will "prevent, mitigate, or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans." I don't see how a hard rock mining operation a stone's throw away from residences aligns with this.</p>	<p><u>Comment Response to WOL-5:</u> Decisions under the Montana Environmental Policy Act (MEPA) should maintain Montana's clean and healthful environment without compromising the ability of people to pursue their livelihoods. The proposed action at the Bullock site is similar to the majority of other hard rock product sites and open cut gravel sites permitted in Montana, many of which are adjacent to residential areas. Hard Rock Mining operations are subject to various regulation that has been enacted to minimize the impacts from the operation.</p>

Comment Code	Comment	Response
WOL-6	<p>I've read the Environmental Assessment (EA) and have doubts about the conclusions. I, like others who will be impacted by the mining operation, have doubts in the report's insistence that "the severity, duration, geographic extent, and frequency of the occurrence of the impacts associated with the proposed activities would be limited." There's nothing limited about 25 years of dust, noise pollution, and who knows what other environmental impacts. To that point, MEPA states that an Environmental Impact Statement (EIS) is required whenever an agency proposes a "major action significantly affecting the quality of the human environment." Given that "major" and "significantly" are not readily defined, this appears to be up to discretion. Also, seeing as how 25 years of disruptive operations translates into an entire generation of humans adversely impacted, I would encourage the preparation of a full EIS. I think if people should have to be subject to something to which they are fundamentally and wholly opposed, then they should be subject to it armed with the fullest extent of understanding.</p>	<p><u>Comment Response to WOL-6:</u> See Comment Response to AND-5 and HUS-3</p>
WOL-7	<p>I write this recognizing that mining holds power in this state and that it is unlikely that the department will reverse course due to the letters written by multiple humans impacted by an eye sore, a noise nuisance, and an air quality polluter. However, I do think it would be within the realm of acceptable alternatives to implement several mitigating actions on the operation, such as mandating that they only work five days a week during standard business hours (i.e. 9am-5pm).</p>	<p><u>Comment Response to WOL-7:</u> See Comment Response to HUS-8</p>
WOL-8	<p>Thank you for your time and for your dedication to upholding the Montana Department of Environmental Quality's mission, which I've copy/pasted directly from its website to ensure I have represented it correctly:</p> <p>"The Montana Department of Environmental Quality is charged with protecting a clean and healthy environment as guaranteed to our citizens by our State Constitution. Our ultimate goal is to protect public health and to maintain Montana's high quality of life for current and future generations."</p> <p>Regards,</p> <p>Kara Wolfe Property Owner at Lakeview Ranch</p>	<p><u>Comment Response to WOL-8:</u> See Comment Response for AND-10.</p>

Comment Code	Comment	Response
<p>GOO-1</p> <p>GOO-2</p> <p>GOO-3</p> <p>GOO-4</p> <p>GOO-5</p>	<p>From: Brian Goodman To: Rolfus, Herb; Walsh, Dan; Dorrington, Christopher Subject: [EXTERNAL] Draft EA, Bullock Contracting, LLC, Devil's Elbow Quarry, DEQ Operating Permit #00199 Date: Thursday, June 18, 2020 3:52:52 PM</p> <hr/> <p>Herb:</p> <p>I have comments/questions on the referenced EA:</p> <ol style="list-style-type: none"> The undated EA prepared by Tetra Tech Inc. for Bullock Operating LLC, Analysis Area Page 3, states: <i>Bullock Contracting, LLC is applying for an operating permit at their existing mine site, currently being operated without the necessary permit or approval. The option of applying for an operating permit was a corrective action identified in a June 5, 2019, DEQ violation letter. The violation letter was initiated by DEQ to Bullock Contracting, LLC for mining without a permit.</i> <ul style="list-style-type: none"> Why was the June 5, 2019 violation letter not included in the EA that was published for public review and comment? The violation(s) cited in the letter are material and critical to the public review of the EA and should be included. Please explain the rationale for DEQ to consider issuing a permit "as an option" for a mine which operated without a permit for an extended period of time and also trespassed and mined material on the adjoining state highway right-of-way? Is this not simply a reward for illegal operation? What would DEQ have done if Sandfire (Tintina) Resources mined for over a year and then decided to apply for a DEQ operating permit <i>post facto</i>? What was the extent of the DEQ enforcement action and fines levied by DEQ? Without a clear picture of the enforcement actions taken in regards to this permit, it is impossible for the public to adequately review the EA. The past behavior of Bullock Contracting is indicative of an operator who will not abide by the conditions of their permit now or in the future. FIGURE 2, Page 3, Proposed Permit Disturbance Area. The figure does <i>not</i> depict the state highway right-of-way boundary and the mined/trespass area committed by the operator. Other figures also do not depict the historical and recreational areas adjacent and near the proposed mine. <ul style="list-style-type: none"> Based on Montana Cadastral mapping, the highway ownership boundary extends approximately 180 feet from the driving lanes of York Road. The figure does not depict this. This omission is highly misleading and should be revised to include this property boundary and the calculated volume of material that was mined and removed from the property by the operator without a permit or permission from the Montana Department of Transportation. SECTION 8, AESTHETICS, Page 8. Is the proposed operation on a prominent topographic 	<p>Comment Response to GOO-1: See Comment Response for HUS-1. The Environmental Assessment (EA) under the Montana Environmental Policy Act evaluates the potential impacts of an action on the human environment, which includes the biological, physical, social, economic, cultural, and aesthetic factors that interrelate to form the environment. This does not include past or present violations of the Metal Mine Reclamation Act by the operator.</p> <p>Comment Response to GOO-2: See Comment Response for HUS-1.</p> <p>Comment Response to GOO-3: See Comment Response for HUS-1 and GOO-1. Enforcement actions against Bullock are ongoing.</p> <p>Comment Response to GOO-4: See the Final EA updated figure 2. Pertinent recreational and historical areas are described in the EA as appropriate.</p> <p>Comment Response to GOO-5: See Comment Response for MDT-1.</p>

Comment Code	Comment	Response
GOO-6	<p>feature? Would it be visible from populated or scenic areas? Would there be excessive noise or light?....." <i>The mine site would be visible to surrounding residential houses, vehicles traveling on York Road, and to visitors at the Devil's Elbow Campground that is located next to Hauser Lake, ¼ mile east of the proposed permit area.Direct Impacts "Impacts to aesthetics would be short-term and moderate and would not be significant (Table 3)."</i></p> <ul style="list-style-type: none"> ■ Mining near Yellowstone NP, other parks, and wilderness areas is considered sacrosanct in the regulatory community, but apparently it is perfectly acceptable to mine near rural homes, Lewis & Clark historic sites, USBLM campground and day use areas, and the scenic areas along the Missouri River in the Big Belt Mountains. Why were these impacts not consider in greater detail than boiler plate language provided in the EA? Does DEQ consider that a mine life of 25 years falls into a category of short term? There is no Table 3 in the EA posted on the DEQ website. Why does DEQ continually have double standards in regards to these evaluations? I am sure there was no shortage of DEQ resources available to investigate and evaluate the Sandfire (Tintina) Resources permit for their Black Butte Copper Mine. Where is the equivalent effort here? <p>4. <u>PART 11. HUMAN HEALTH AND SAFETY, Page 6:</u> <i>Would this proposed operation add to health and safety risks in the area?</i></p>	<p>Comment Response to GOO-6: See the comment response to HUS-3 and the Final EA for the numbering correction to Table 3: SUMMARY OF POTENTIAL IMPACTS THAT COULD RESULT FROM OPERATING PERMIT #00199. The Montana Environmental Policy Act (MEPA) delineates the level of review for a potential action based on the significance of the potential impacts of the action. The Environmental Assessment performed for Bullock was determined to be the appropriate level of review under MEPA.</p>
GOO-7	<ul style="list-style-type: none"> ■ Why does the EA not consider traffic impacts on York Road as part of the Human Health & Safety evaluation? The proposed approach permit that the operator is seeking on the south side of the project adjacent to the quarry and trespass area has significant if not insurmountable safety issues. There are several hundred vehicle trips per day on the section of highway which is the primary access to Helena from the communities east of the Missouri River. The westbound traffic on York Road has very limited sight distance for 60 mph traffic that is cresting the top of a steep hill. Constructing an approach at this location will likely result in serious high speed accidents and fatalities. <p>Brian S. Goodman 8041 York Road Helena, MT 59602 Cell: 406-459-0210</p> <p>Sent from Mail [go.microsoft.com] for Windows 10</p>	<p>Comment Response to GOO-6: See the comment response to HUS-12.</p>

Comment Code	Comment	Response
	<p> From: Rolfes, Herb To: Hards, Betty Subject: Fw: Proposed OP#00199 Bullock Contracting, LLC Date: Tuesday, March 31, 2020 1:40:42 PM </p> <hr/> <p> From: KC Blackwell, CPA, CVA, CFE <kblackwell@att.net> Sent: Tuesday, March 31, 2020 1:07 PM To: Rolfes, Herb Subject: [EXTERNAL] Proposed OP#00199 Bullock Contracting, LLC </p> <p>Hi Herb,</p> <p>I am a homeowner in Lakeview Ranch Estates, and, like many others in the Association, I am opposed to the DEQ's pending approval of the Bullock Hard Rock Mining Permit. My opposition is based on the following:</p> <ol style="list-style-type: none"> 1. The noise from the current operation impedes my rights to the quiet enjoyment of my property. 2. The dust created by the current operations adversely impacts my asthma. 3. The hauling trucks leaving the current operation and proceeding down York Road are excessive and unsafe for residential areas. 4. The current operation diminishes the recreational opportunities of the area, i.e., Devils Elbow and Clarks Bay. 5. Wildlife displacement. 6. Devaluation of property values. 7. Diminished aesthetics. <p>These are just a few of the reasons that I oppose the DEQ's granting of an operating permit to Bullock Contracting, LLC.</p> <p>Sincerely,</p> <p>Mr. Kristian C. Blackwell, CPA 4940 Forest Road Helena, MT. 59602 520.906.6080</p>	<p>See Comment Responses to HUS-10, HUS-11, HUS-12, HUS-13, DEG-2, HUS-9, and HUS-8.</p>

Comment Code	Comment	Response
	<p>March 17, 2020</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, Montana 59620-0901</p> <p>Re: Proposed OP#00199 Bullock Contracting, LLC</p> <p>Dear Mr. Rolfes,</p> <p>This is a letter in opposition to your proposed approval of the Bullock Hard Rock Mining Permit.</p> <p>I request that the response date be extended due to the coronavirus and discouragement of group gatherings to discuss this issue. Also this is not timely considering that many people are south for the winter.</p> <p>Please know that our neighborhood was established long before Mr. Bullock purchased his adjacent property and decided to develop his business which definitely affects our quality of life. Upon meeting with LROA Board members in 2017, Mr. Bullock reassured us that this would only be a two year process and after that would involve developing potential homesites. I feel this a case of intentional deceit and poor neighborly consideration. The question why DEQ is allowing such an operation without a permit needs to be addressed.</p> <p>Below is my response to your Draft Environmental Assessment and a request for answers:</p> <ol style="list-style-type: none"> 1. There is no mention of a Bond put up for Reclamation Plans. The history of mining reclamation has been distrustful as reclamation plans fall by the wayside in many situations or are inadequate. 2. The Draft mentions frequently "short term". 25 years does not sound short term to those of us living next door. 3. How much damage will be done in 25 years? How can you forecast that damage to aquifers and well systems will not happen in 25 years? Who will be responsible for the monetary costs of possible damage and/or contamination or loss of well water? This has not been addressed in your draft. 4. I request that DEQ provide an independent hydrogeologist investigation and study to be performed before further movement in this matter. 	<p>See Comment Responses above to the Linda Huso letter.</p>

Comment Code	Comment	Response
	<p>5. With changing weather patterns, the removal of vegetation and the following erosion, drainage issues, sedimentation, and even landslides could all be possible. No one can predict the affect that storms, rains, or any violent weather could bring about in any of these potential issues. Again who will be responsible for any damage that could happen is such situations?</p> <p>6. Aesthetically, the scarring of the land has destroyed beautiful views that were part of decisions to make the investment in a home and land. Thus our investments have been diminished and the threat of future impairment could end in financial hardship for those who may want or need to sell their properties. Who covers the losses in the devaluation of our homes and land?</p> <p>7. The noise, dust, and heavy trucks barreling down York Road threatens the recreational value and enjoyment of many of the public sector as well as those living in the area. Many people enjoy Devils Elbow and Clarks Bay for camping, fishing, boating, hiking, and just being outdoors. How is this to continue with dust clouds drifting over the campground, hiking trails, and lake? How is this to continue with 7 days a week, sun up to sundown, year-round mining, the noise and dust of rock crushing machines, dozers, excavators, generators, large haul trucks and more? Is there no reprieve?</p> <p>8. Also dust clouds <u>have been seen drifting over the lake</u>. In 25 years, there could eventually be considerable impact on aquatic and avian life in Hauser Lake. Who oversees those threats?</p> <p>9. Ambient air currents and prevailing winds <u>have</u> deposited dust settling over neighboring property. A 25 year continuation of this could present respiratory conditions in otherwise healthy individuals, or compound current health issues. Who pays for the additional medical expenses?</p> <p>10. The loss of seasonal enjoyment of our yards, patios, gardens, family gatherings etc. is paramount. Such activities are impacted by both the noise and the dust.</p> <p>11. Regarding wildlife displacement, is a 25 year span considered to be "temporary" as stated in the draft?</p> <p>12. The statement that "there are few residences in the area" appears to disregard the fact that there are more than a few who are living breathing individuals that are affected by this mining process.</p> <p>13. Lastly, but certainly not least, is the historical value of the proposed area, and surrounding area. Both Devils Elbow and Clarks Bay share the history of the Lewis and Clark Expedition. Much research has been done considering that Clark may have actually crossed the proposed site and adjoining lands. What will be done if artifacts are dug up?</p>	

Comment Code	Comment	Response
	<p>I have taken the time to completely review your Draft Environmental Assessment. In closing, I ask that you take the time and effort to review my previous questions and requests.</p> <p>Thank you and I look forward to hearing from you.</p> <p>Sincerely,</p> <p>Linda Huso Landowner and neighbor to proposed site.</p> <p><i>Mr. Rolfes,</i> <i>we are the owners of tract 36 Lakeview Ranch and are members in good standing with the LROA. We are in complete agreement with Mrs Linda Huso's assessment of the Bullock Hard Rock Mining Permit. The 60 tracts that make up LV Ranch were established in 1996. To turn the western border of our development into a wasteland and ruin the enjoyment of residents and tourists who use Clarks Bay and Devils Elbow is frankly, criminal. We believe the digging should stop now and Bullock should restore the landscape.</i></p> <p>Lynn M. Bowman Gary D. Bowman March 23, 2020 Lynn M. Bowman Gary D. Bowman 4955 Elbow View Road Helena MT 59602 406-431-1821</p>	

Comment Code	Comment	Response
	<div data-bbox="541 253 709 367" style="border: 1px solid black; padding: 2px; width: fit-content;"> <p>RECEIVED MAR 04 2020 Montana DEQ Hard Rock Mining Bureau</p> </div> <div data-bbox="751 253 1079 380" style="margin-left: 10px;"> <p>5135 Ridge Crest Road Helena, Montana 59602 March 3, 2020</p> </div> <p data-bbox="394 396 869 613"> Herb Rolles Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, MT. 59620-0901 </p> <p data-bbox="487 630 1079 721" style="text-align: center;"> RE: Draft Environmental Assessment for application for Operating Permit No. 00199 </p> <p data-bbox="394 737 1079 1240"> Dear Herb Rolles: Thank you for your letter dated February 27, 2020. I am concerned about the damage to the environment in all areas from the quarrying of crushed rock. I am worried that the water table will be disturbed. There is a lot of dust that is created with the operation. The trucks driving around are very noisy. They are also hard on the park road. The crushing of the gravel is loud and continuous. The land in this area is very beautiful and scenic. It is sad to see it altered and disturbed. There is much erosion. They have already started to remove the top soil in the new area. Please send me a copy of the Draft Environmental Assessment of this operation. Thank you. <div style="text-align: right; margin-right: 50px;"> Sincerely, Harold Mitchell Breiden </div> </p>	<p>See Comment Responses to HUS-4, HUS-11, HUS-10, HUS-12, HUS-8, and HUS-7.</p>

Comment Code	Comment	Response
	<p>From: JaLea Corte [mailto:jalea@briwax.com] Sent: Friday, April 17, 2020 7:10 PM To: Rolfes, Herb <HRolfes@mt.gov> Subject: [EXTERNAL] Bullock Mining</p> <p>April 17, 2020</p> <p>Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> <p>Mr. Rolfes,</p> <p>My wife and I are new homeowners in the Lakeside Ranch Subdivision. We purchased our land less than 6 years ago and are in the process of building our dream log home at the very top of the subdivision. Our land is actually adjacent to the BLM, the highest in the neighborhood. Mr. Rolfes, had we known that there was going to be a rock mine opening right in front of us, I very seriously doubt we would have purchased our 40 acres.</p> <p>My wife and I relocated from the panhandle of Florida to Montana. We had never visited the state a single time when we flew here and actually purchased land during our very first visit. This is not at all what we dreamed of!</p> <p>We dreamed of waking to the sounds of birds chirping, looking out over the</p>	<p>See Comment Responses to HUS-9, HUS-10, HUS-11, and HUS-8.</p>

Comment Code	Comment	Response
	<p>Missouri River and seeing the snowcapped mountains, and smelling the clean mountain air. Instead, we wake to the sound of the beeping equipment, the smell of diesel, the incessant dust clouds and that doesn't even start to describe what we now look at every time we step out of back door!</p> <p>We built a 550 foot deck on the back of our house to enjoy the view of the Missouri River, the beautiful mountains and the view of the City of Helena down below. We now struggle to enjoy our deck because of the illegal eyesore of Mr. Bullock.</p> <p>We had friends visiting with us both from Italy and Canada and the only complaints about our beautiful state was 'it's a shame you have to have that near such a nice neighborhood'. No neighborhood should have to endure this frustration.</p> <p>Thank you for your time and consideration to this matter,</p> <p>Max and JaLea Corte</p>	

Comment Code	Comment	Response
	<p>From: Babekka Dodge To: Bullock, Heath Subject: [EXTERNAL] Comments on Draft EA re: Bullock Contracting Date: Sunday, March 01, 2020 3:36:40 PM</p> <hr/> <p>I know this will probably fall on deaf ears. I say this because citizens usually have very little input into these kinds of things. Even so, I must let you know what my feelings are about the quarrying of crushed rocks.</p> <p>First of all, this should NEVER be close to a recreation area. Hauser Lake is full of recreators during the spring, summer, and autumn seasons. Secondly, there is a ton of dust that comes to my house. None of you all will ever know or care, but it is an everyday job to keep my house clean. The trucks go too fast and they are too heavy for this narrow road. You couldn't find a narrower road. They are noisy. I am aware every time one passes my house. Mr. Bullock has a cabin out here and he should know. Of course, he is more interested in making money and doing it in whatever is quickest for him. Our tax dollars pay for his profits. Of all the things I have listed, the fact that you would allow this to happen near a recreation area is my most fervent objection. I thought when this first began it would be for one summer, but I can see he will keep this going as long as possible no matter the consequences are for those who live in the area. These are my seven objections. You wouldn't like this at your house, and I definitely don't like it here. I know Mr. Bullock pulls a lot of weight, but that doesn't give him the right to be such an annoyance to those of us on this narrow road. We already contend with garbage/landfill trucks. We already contend with farmers driving implements in the summer. We already contend with school buses that have no pull-outs. Please don't add to the stress on York Road. I also know the roundabout must bear the weight of these heavy trucks. Yet it's our taxpayers' money that built it. I hope someone is listening closely to this. Please do your job and have Mr. Bullock go make his money elsewhere.</p>	<p>See Comment Responses to HUS-13, HUS-11, HUS-12, and HUS-10.</p>

Comment Code	Comment	Response
	<p>From: Amber Hargrove To: Bullock, Herb Subject: [EXTERNAL] Draft Environmental app. Permit #00199 Date: Friday, March 13, 2020 11:44:40 AM</p> <hr/> <p>I don't support expansion of the sight. They are already digging up on the hill above the highway, about 25 feet from the highway. It very disconcerting. The trucks have ruined the road, not built to withstand that much weight every few minutes on the road. The trucks go speeding by, lots of dust and the steep grade coming off of the hill could be deadly. Just because Bullock is Governor does not give him the right to do whatever he wants to the environment. I am one of the closest neighbors.</p> <p>Thank you,</p> <p>Amber Hargrove 6120 York Rd. Helena, MT</p> <p>Mailing address 54 Zuelke Sac Rd. Three Forks, MT 59752</p>	<p>See Comment Responses to HUS-12 and HUS-11.</p>

Comment Code	Comment	Response
	<p style="text-align: right;">April 7 2020</p> <p>Paul Marshall 5475 Peaks View DR Helena, MT 59602</p> <p>I have been asked to respond to the unfortunate issue regarding the Bullock mine operation underway at Lakeview Ranch. Having read several of the letters and statements made by our neighbors and also the proposal of the permit that Bullock is currently seeking but has not acquired, I wanted to put out some personal thoughts regarding the nature of these circumstances we as homeowners share.</p> <p>My understanding was that the mine operation was only going to be temporary—two years at most. Our family moved into our home on Peaks View DR in summer of 2017. For two years there was not much activity at the mine and noise level was tolerable especially during winter months. Operations nearly halted in the winter. Recently, however, has been a completely different story. Nearly overnight, massive trucks, excavators and loaders are starting their diesel engines before 8A.M.</p> <p>The amount of noise and dust is becoming out of hand and downright obnoxious. We moved out of town to get away from the sounds of construction and traffic and now we hear back-up alarms ringing in the forest off and on throughout the day while watering our garden. Peaceful, right?</p> <p>The current operation of the Bullock mine as I understand it is unethical, possibly illegal, and since no permit is on file, should be stopped immediately. The lack of consideration on their part for the residents of Lakeview Ranch is unacceptable. It is absolutely astounding to think that if anyone here wanted to sell their property the giant eyesore the mine is now digging into the area will turn potential buyers away thus thrusting prices of property down to an embarrassing low.</p> <p>I strongly urge the Department of Environmental Quality to take a closer look at the impact Bullock Construction throws on this peaceful residential area as well as the recreational area below such as Clark's Bay and Devils Elbow. No boat owner or innocent commuter likes having random rocks on the highway potentially damaging windshields and causing a negative outlook on the overall area. Just think, one golf ball sized rock is enough to cause a passing motorcyclist into the ditch. The proposed amount of truck traffic hauling gravel and rock will increase the chances of potential traffic accidents significantly.</p> <p>Finally, after digging an open pit mine you cannot make it look natural. Look at all the other open pits in the Helena valley. While they served an important purpose for the growth and economic value of our town, they are incredibly ugly and serve little to no ecological benefit to animals or persons. These mines NEED to be placed well away from communities seeking and wanting to preserve and protect Montana lands. Like an invasive species, the gravel pit in our area is getting closer and louder to our homes and comfort.</p> <p>Please take into consideration all of our thoughts and concerns regarding this, as we want to bring a bright and colorful future to our families, to our kids, and to our neighbors! The last thing we want is an open pit mine in our back yard.</p> <p>Sincerely, Paul Marshall</p>	<p>See Comment Responses to HUS-10, HUS-11, HUS-1, HUS-9, HUS-8, HUS-13, HUS-12, and AND-5.</p>

Comment Code	Comment	Response
	<hr/> <p>From: karen raphael-conley [mailto:karenraphaelconley@gmail.com] Sent: Friday, April 17, 2020 3:45 PM To: Rolfes, Herb <HRolfes@mt.gov> Subject: [EXTERNAL] Bullock Mining Project off York Rd. Next to Lakeside Ranch division</p> <p>Dear Mr. Rolfes,</p> <p>I am a resident in the Lakeside Ranch Division near the Bullock Mining operation. Although my home is not adjacent to the Bullock Mining and Gravel operation, I wish to support my neighbors concerns regarding the mining operations.</p> <p>The noise, the dust, the constant grinding and beeping of the trucks in the pit, and the traffic near many of our residents is not the serene neighborhood that folks purchased many years ago. This is a beautiful neighborhood with vast views of forests and Lake Hauser...and, sadly a gravel pit and what comes with it.</p> <p>I feel it is important for you, Mr Rolfes, to realize the impact on the value of ALL our properties with the sights and sounds of your gravel pit in our backyards.</p> <p>Thank you for your time in reading my letter.</p> <p>Karen Raphael-Conley 5240 Riverview Dr. Helena 59602</p>	<p>See Comment Responses to HUS-10, HUS-12, HUS-11, and HUS-8.</p>

Comment Code	Comment	Response
	<p>April 6, 2020</p> <p>Bob Sprenger 5235 Overlook Way Helena, MT 59602</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality PO Box 200901 Helena, MT 59601-0901</p> <p>RE: Proposed OP#00199 Bullock Contracting, LLC</p> <p>Dear Mr. Rolfes:</p> <p>I am writing this letter in opposition to the mining permit for Bullock Contracting for the proposed quarry site located about 13 miles northeast of Helena, MT in Section 23, Township 11 North, Range 2 West in Lewis and Clark County.</p> <ol style="list-style-type: none"> 1. Our home is located in Lakeview Subdivision and currently overlooks the site of the present quarry site. Prior to Mr. Bullock's rock crushing business, our neighborhood enjoyed the tranquility of a peaceful and relaxing atmosphere and the scenic views of Lake Hauser and nearby mountains. 2. Three years ago, when Mr. Bullock brought in his equipment, Linda Huso and I met with Mr. Bullock as representatives for our Homeowner's association to discuss his intentions concerning his property. <p>Mr. Bullock stated he proposed to develop his property into 20-acre parcels for future homeowners. In order to do this, Mr. Bullock stated he needed to put in two roads and needed to excavate down to York highway for a second entrance. Mr. Bullock stated he was going to use the gravel that he excavated to pay for the land and when the road was finished for the subdivision, he would remove all the equipment and restore the land back to its natural state. Mr. Bullock estimated this would be a 2-3-year project. Ms. Huso and I relayed the results of the meeting with Mr. Bullock to our HOA group.</p>	<p>See Comment Responses to HUS-8, HUS-1, HUS-9, HUS-6, HUS-5, HUS-4, HUS-13, and HUS-11.</p>

Comment Code	Comment	Response
	<p>April 6, 2020 Page 2</p> <p>We were blind sighted in March of 2020 when learning of his intentions to greatly enlarge the gravel pit and to discover that everything he stated at the past meeting was false. Mr. Bullock lied to us, lied to our HOA and apparently has been operating without a permit for three years. Why would the Department of Environmental quality even consider allowing a permit to a company that gives out false information and obviously does not respect DEQ laws?</p> <p>Even though Mr. Bullock will most likely prosper from his Hard Rock Mining venture, he has put surrounding landowners into a position where they may lose everything that they have worked hard to build and enjoy. I am concerned that the proposed mine site would drastically reduce the value of our property by as much as 30% to 50%.</p> <p>3. I am concerned about the loss of our water supply due to the possibility of rupturing the water aquifers that flow through the property in underground streams. I request that the Department of Environmental Quality provide an independent investigation and study.</p> <p>Consideration should be given of the affect the mining would have on the Devil's Elbow recreational area that is directly below the gravel pit site. There are 48 pristine camping sites, walking trails, a Lewis and Clark Historic Site, in addition to the Clark's Bay recreational picnic area that thousands of people visit and enjoy. The dust from the mining site blows over the recreational areas plus all the noise they have to deal with. Many a day I have observed plumes of dust hanging over this area. Why on earth would the Department of Environmental Quality permit this to happen or to continue? The Bureau of Land Management should be allowed to voice their opinion along with the people that use these facilities.</p> <p>Mr. Bullock has not been forthcoming, honest or concerned with how his "business" will affect the lives of those nearby or the damage to the environment. I ask that the Department of Environmental Quality not approve the proposed Hard Rock Mining permit requested by Bullock Hard Rock Mining.</p> <p>Sincerely,</p> <p>Robert Sprenger</p>	

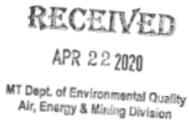
Comment Code	Comment	Response
	<p>March 30, 2020</p> <p>Sherry Sprenger 5235 Overlook Way Helena, MT 59602</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality PO Box 200901 Helena, MT 59601-0901</p> <p>RE: Proposed OP#00199 Bullock Contracting, LLC</p> <p>Dear Mr. Rolfes:</p> <p>I am writing this letter in opposition to the mining permit for Bullock Contracting for the proposed quarry site located about 13 miles northeast of Helena, MT in Section 23, Township 11 North, Range 2 West in Lewis and Clark County.</p> <ol style="list-style-type: none"> 1. Our home is located in Lakeview Subdivision and currently overlooks the site of the present quarry site. Prior to Mr. Bullock's rock crushing business, our neighborhood enjoyed the tranquility of a peaceful and relaxing atmosphere and the scenic views of Lake Hauser and nearby mountains. 2. Our view now consists of huge mounds of crushed gravel, rocks and sand piles. We look outside our living room window and see heavy equipment parked in an area where we used to see green grass in a meadow. We no longer enjoy sitting out on our deck because of the dust whirling through the air and the unnerving sounds of the rock crusher and the beeping of vehicles backing up. There is a constant flow of heavy trucks coming in and out of the area. We no longer have the peaceful, quiet solitude that so endeared us to this home and location. 3. I am concerned about the possible loss of our water supply due to the deep excavation of gravel and damage to the aquifers that flow through the property in underground streams. I request that the Department of Environmental Quality provide an independent investigation and study. 	<p>See Comment Responses to HUS-8, HUS-10, HUS-11, HUS-4, HUS-6, HUS-5, and HUS-9.</p>

Comment Code	Comment	Response
	<p>March 30, 2020 Page 2</p> <p>4. I am concerned that the proposed mine site would drastically reduce the value of our property by as much as 30% to 50%. Who is going to want to live where their views are of a gravel pit and have to listen to the irritating sounds of heavy equipment day in and day out, as well as breathing in the dust?</p> <p>Three years ago, 2 members of the HOA met with Mr. Bullock over a cup of coffee to express concerns of the gravel pit. Mr. Bullock assured the people that he met face to face with that the gravel pit would only be a two-year project. Mr. Bullock stated that he would be subdividing the land into 20-acre parcels for future homeowners. Mr. Bullock stated he would be building another road in the area so the homeowners would have an alternate route out of the subdivision.</p> <p>Mr. Bullock has not been forthcoming, honest or concerned with how his "business" will affect the lives of those nearby or the damage to the environment. I ask that the Department of Environmental Quality not approve the proposed Hard Rock Mining permit requested by Bullock Hard Rock Mining.</p> <p>Sincerely,</p> <p>Sherry Sprenger</p>	

Comment Code	Comment	Response
	<p>Donna Turkowski 5155 Ridge Crest Rd Helena, MT 59602</p> <p>April 14, 2020</p> <p>Herb Rolfes Operating Permit Section Supervisor Hard Rock Mining Bureau Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> <p>RE: Bullock Contracting, LLC - Application for Operating Permit No. 00199</p> <p>Dear Mr. Rolfes,</p> <p>As a homeowner in Lakeview Ranch I strongly object to the DEQ's proposed approval of the Bullock Contracting, LLC application. Although my property is not adjacent to the Bullock property, I do hear the noise and, depending on the equipment in use, I can see the activity from my home. Additionally, the large, heavy trucks on York Road have made turning at Peaks View Road quite hazardous.</p> <p>The potential negative impacts addressed in your assessment are categorized as "short term." However, 25 years of industrial and traffic noise, exhaust fumes, dust, disturbance to wildlife, and noxious weed propagation, combined with the potential for serious erosion, drainage, runoff, and water and well issues, is a very long time for homeowners who chose this location for its many attributes--natural setting, minimal traffic, wildlife, unobstructed views, quiet--that are currently being affected, and will be even more impacted over the estimated period of operation.</p> <p>These are not just minor issues. They are significant concerns that affect the use and value of homeowners' properties, not only in Lakeview Ranch, but along York Road as well. There are more than a "few residences" here, and they were in place prior to the mining operation.</p> <p>The duration of activity states that operations will only be during daylight hours, which implies that they could be operating equipment nearly 16 hours per day during summer months. The noise, dust and exhaust fumes would affect recreational visitors at the Devil's Elbow Campground as well as homeowners.</p> <p>In addition to the aesthetic impacts, I am concerned about the possibility of potential effects on water and existing wells. Section 2, Water Quality, Quantity, and Distribution, states "Groundwater quality could be impacted by other by-products of operation, including spilled fuel and nitrate residual from potential blasting." What assurance is there that aquifer and well systems will not be affected? The depth and location of wells varies with each property. What legal responsibility does Bullock Contracting have in the event of damage or contamination?</p>	<p>See Comment Responses for HUS-10, HUS-12, HUS-11, HUS-3, HUS-7, HUS-4, HUS-5, HUS-13, DEG-2, DEG-5, and DEG-6.</p>

Comment Code	Comment	Response
	<p style="text-align: right;">2</p> <p>The reclamation plan states “the operator would mine the site until the intended elevation of the post mine access road is reached, which is estimated to be 25 years.” If 25 years is only an estimate, can the mining continue beyond that point? Will reclamation begin immediately when the post mine access road is reached? What if the applicant abandons the project? How will it be enforced? Is there a timetable?</p> <p>Overall, the assessment assumes this company will earnestly adhere to all regulations and operate within the limits detailed in its application and permit. However, it has already proven to be dishonest by operating without a permit and has deliberately misled the neighboring landowners about the intended use of the property. The DEQ will not be on site every day to monitor the operations. Noncompliance could result in damage that might not be immediately evident. What consequences are there if Bullock Contracting is noncompliant?</p> <p>This unpermitted mining operation currently has adverse effects on the surrounding area. If this application is approved, we will be living with the negative impacts for a very long time.</p> <p>Sincerely,</p> <p>Donna Turkowski</p>	

Comment Code	Comment	Response
	<p>From: dick whitaker [mailto:dickndonna@yahoo.com] Sent: Thursday, April 09, 2020 10:41 AM To: Rolfes, Herb <HRolfes@mt.gov> Subject: [EXTERNAL] Hard Rock mining operation</p> <p>Sir, We live in Lakeside ranch community just next to the Hard Rock mining operation.. We own to houses in that area.. We strongly object to this mine operating so close to our home for the following reasons:</p> <p>This is a residential neighborhood in which we have lived in for over 20 years. We moved here for the comfort of quiet and a rural atmosphere.. The daily noise and disruption the mine creates is truly disturbing. Not only does it damage the value of our property but the dust it creates is a threat to our health. My husband is a Vietnam veteran with a service connected disability related to lung problems. We should not have to move from here because of the environmental problems the mine has created.</p> <p>I am not a scientist however I know that this mining project will cause many other environmental issues that will have long lasting repercussion's in our area. 25 years is a long time. Please stop them now.They lied to us from the start saying only 2 years then they would build houses..</p> <p>We request that the DEQ take a serious look at this situation. Bullock construction company is way out of line and should be made to account for their actions.. Do they even have a permit. Hopefully the mining company has not greased the palms of the DEQ or politicians in the state .</p> <p>DEQ needs to do a complete study now. The mining operation should stop now. I know you have received other letters from my neighbors. They have outline their objections much better than I have so please take their responses seriously.</p> <p>Most sincerely, Donna and Richard Whitaker</p>	<p>See Comment Responses to HUS-10, HUS-9, HUS-11, HUS-3, AND-5, and HUS-1.</p>

Comment Code	Comment	Response
	<p style="text-align: center;">  </p> <p>4-17-20</p> <p>Shaun McGrath - Director & Herb Rolfes Operating Permit Section Supervisor, Hard Rock Mining Bureau, Department of Environmental Quality, Helena MT</p> <p>“We strongly oppose that your agency might be issuing a future <u>mining permit</u> for the BULLOCK Co. next to our Lakeview Ranch neighborhood. We also request from your agency to look into whether or not the BULLOCK Co. has been operating their current mining activities on the same site without a license.”</p> <p>*****</p> <p>Dear Mr. McGrath and Mr. Rolfes,</p> <p>My wife Christine and I are residents in the Lakeside area near the Bullock gravel operations. By now you have probably received a number of letters from our neighbors here at the Lakeview Ranch community.</p> <p>We are all well aware that the DEQ has to abide by the current laws in our state. But my wife and I are not only very concerned about what we might have to endure in our peaceful neighborhood due to Mr. Bullock’s mining activities for another twenty-five years, but we are also appalled by the suggestion we would have to put up with this in our back yard any longer than we already have.</p> <p>When Mr. Bullock first started his operation, we were all surprised and baffled and our board called a meeting with him. We were not present, but from what was reported to us, Mr. Bullock stated at that meeting that his mining operation would only last for two years and that he had plans to build a couple of houses for his children in that time frame and later develop the rest of his land to become a future residential development. We were all fine with that. Now we are finding out that he did not tell us the truth. He lied to us. That alone is deceitful behavior and we are all disgusted to have someone with that kind of character in our neighborhood.</p> <p style="background-color: black; color: white; padding: 2px;">5275 Riverview Drive, Helena MT 59602</p>	<p>See Comment Responses to HUS-1, HUS-10, HUS-12, HUS-11, HUS-4, HUS-5, AND-5, HUS-9, and SWA-2.</p>

Comment Code	Comment	Response
	<p>From what I was told, Mr. Bullock not only lied, but he has been operating his mining operation without a license. If that is true, it should be thoroughly investigated immediately. Now!</p> <p>Especially in a beautiful state like Montana, a mining operation should be, by all logic and common sense, placed far away from residential areas. It is more than obvious that that is not the case.</p> <p>Below is a list of our personal complaints and concerns for our neighborhood's future.</p> <p>It appears to us that Mr. Bullock, who has been in the mining business for way over 20 years, has been trying to sneak in through the back-door with false intent from the very beginning. He should have known better. When he purchased the land, he should have applied for a mining license. Obviously, he did not do that. Nevertheless, all our neighbors went along with his intentions to mine for 2 years. (not knowing that he didn't have a license)</p> <p>Below is a list of all the concerns we, the Wilders, and our neighbors have:</p> <ol style="list-style-type: none"> 1. The constant noise from heavy equipment crashing and crushing rock, back up bells beeping and semi-truck noise up and down the roads is not conducive to peaceful living in our community. It is just unacceptable. A number of our friends from Helena that have visited us were shocked at the amount of noise we put up with on a daily basis. 2. The huge trucks are a hazard. We are constantly observing that the trucks drive too fast on York Road. Accidents are prone to happen in the future. 3. We have a lot of people walking and driving into the area down to the Lewis & Clark Historical site and the nearby Devil's Elbow campground especially in the spring, summer and fall. The Bullock trucks are driving with heavy loads and would not be able to stop quickly enough, if someone were to step out. Who will be liable for loss of life in an accident? The county or state? Both? Bullock mining? 4. We are very concerned about the air contaminants blowing around from all the dirt. Our area is quite often filled with the dust haze over the hills. We know heavy metals from Uranium to Arsenic are in these hills, so they shouldn't be in the air anymore than necessary. This past winter the wind blew it right up into our hills, where it hung in the air over our community making it 	

2

Comment Code	Comment	Response
	<p>look dirty and dusty for hours. Some of our neighbors told us that they were even bothered by the smell of the diesel exhaust from the heavy equipment while on their deck. We also know that some of our neighbors suffer from a compromised immune system. All that dust and fume does not help them to get well, does it?</p> <p>5. We are also very concerned about the long term affects to our water supply and the run-off from snow & rain into the Missouri River below the operation. In many areas of our beautiful state we see so much money being spent every year by these so called "super funds" to clean up and restore damaged areas caused by past mining operations. Why do we spend all that money, when at the same time new operations keep making the same mistakes and for example polluting our area here around Lake Hauser area?</p> <p>6. We also fear that our property values will be diminished with such a long-term operation. Some of our neighbor's properties overlooking the mine will probably never be able to sell at the real value while Bullock's mining operation is in full swing.</p> <p>With all the letters you must have received by now, you can probably see, that we all have serious concerns and complaints with what the Bullock mining operation has done so far, let alone what our future will become were they to continue. Imagine you, Mr. McGrath, or you, Mr. Rolfes, would live in this area. Would you put up with it?</p> <p>Also, just so that you are aware, we never received a letter by your agency notifying us that Mr. Bullock is currently seeking a permit to operate a mining operation in our neighborhood. If it weren't for a few neighbors that did get that letter and then alerted us, we would have never known.</p> <p>Governor Bullock should get involved in this matter. The laws that your agency has to abide by (which we all understand), must be changed asap. This is insane and defeats any logical thinking.</p>	

3

Comment Code	Comment	Response
	<p>Finally, I would like to point out a study that your office must be familiar with: It provides some insight into potential impacts to our local environment. This study describes affects from quarry activities near a riverbed:</p> <p><i>Several serious environmental impacts related to quarrying activities on and near the river, such as vibrations, land degradation, land subsidence and landslides, water pollution, occupational noise pollution, and air pollution, will lead to health-related problems and loss of biodiversity. Quarrying operations can adversely alter pre-existing ecosystems and change hydrogeological and hydrological regimes. This adverse influence of stone and sand quarrying induces damage in property, depletion of ground water, loss of fertile topsoil, degradation of forests, deterioration in aquatic biodiversity and public health. On the other hand, haphazard quarrying of sand from riverbeds may cause a rapid change in bed configuration in response to the changes in flow. Quarrying basically destroys landscape. This can lead to downstream movement, scouring, or accumulation of sediment while provoking shoreline erosion. When riverbeds are composed of sand, this on-going pattern of erosion and deposition causes meanders to progress slowly downstream in time. In this study, change detection and environmental impacts due to stone and sand quarrying activities in the watershed area have been determined and evaluated using multi temporal Landsat 5 TM satellite images that were verified with ground truth data. These time series data on the extent of land in eco-sensitive areas were examined to assess the impact on environment. At the end of the study, thematic maps of the affected areas were created by using appropriate visualization and classification techniques in conjunction with geographical information system. Consequently, the changes on the mouth of the river were investigated by the impact analyses of quarrying activities established on and near upstream of the riverbed. Owing to this, a considerable extension in the shoreline around 400 m was observed on the river mouth in the study area.</i></p> <p>RESPECTFULLY NICK WILDER & CHRISTINE MAYN</p>  <div style="text-align: right;">  </div> <div style="background-color: black; color: white; text-align: center; padding: 2px;">4</div>	