

May 20, 2021

Andy Weaver
Little Bear Construction Co.
1504 Drummond Frontage Road
Clinton, MT 59825

Sent via email to: lbcdirty@gmail.com

RE: Approval of Application to Amend Operating Permit No. 00022 (Amendment 001) – Little Bear Construction Co.

Dear Mr. Weaver,

On May 5, 2020, Little Bear Construction Co. (LBC) submitted an application to the Montana Department of Environmental Quality (DEQ) to amend Operating Permit No. 00022 (Amendment 001). In the application, LBC requested to authorize an increase in the permit boundary and permitted disturbance at the Bob Weaver Pit located approximately six miles north west of Drummond, Montana. Revised versions of the application were submitted to DEQ on August 25, 2020, and October 22, 2020. A draft permit and compliance document were issued on January 25, 2021. A permit issued by DEQ would authorize LBC to expand the permit area to 45.5 acres and the permitted disturbance area to 17.5 acres.

DEQ published the Draft Environmental Assessment (EA) on April 13, 2021, which documented DEQ's analysis of the possible environmental impacts of the Proposed Action. DEQ identified the Proposed Action as the preferred alternative. A 30-day public comment period was initiated after publication of the Draft EA. No comments were received during the public comment period. On May 20, 2021, DEQ issued a Final EA. The decisions contained in this decision document are based on the analysis documented in the Final EA.

DEQ's Decisions

DEQ has applied the significance criteria, according to the Administrative Rules of Montana (ARM) 17.4.608, to determine the significance of potential impacts on the human environment. After applying those criteria, DEQ has determined that preparation of an EA is the appropriate level of review under the Montana Environmental Policy Act (MEPA). A summary of DEQ's review of the significance criteria is included in the Final EA. DEQ has decided to approve LBC's application for Amendment 001, selecting Alternative 2 (the Proposed Action), as described in Final EA.

As part of an Administrative Order on Consent that was finalized on February 22, 2019, LBC was offered an option to submit one bond to DEQ to address existing disturbance at the LBC permit site and the LBC Small Miner Exclusion site (that was the focus of Amendment 001). LBC elected to submit one bond and, on April 26, 2019, DEQ accepted the LBC bond that covered all disturbance between the two sites. DEQ kept the bond associated with the Amendment 001 application as "unobligated," pending the outcome

of the permit process for Amendment 001. Based upon issuance of this final decision document, DEQ intends to change the “unobligated” bond held by DEQ to “obligated” to address the Small Miner Exclusion disturbance added via Amendment 001. The bond held by DEQ satisfies the requirements of 82-4-337(1)(h)(i), Montana Code Annotated (MCA) and 82-4-338, MCA.

Before commencing activity authorized by this permit, the permittee must be in compliance with Title 75, Chapter 2, MCA as amended, Title 75, Chapter 5, MCA, as amended, Title 75, Chapter 6, MCA, as amended, and administrative rules adopted pursuant to these laws. Based on the application information submitted by LBC, DEQ has determined LBC to be in compliance with these statutory provisions.

Pursuant to Section 82-4-335(10), MCA, DEQ has determined that LBC has provided the current information required in 82-4-335(5)(a), MCA. In addition, the February 22, 2019, AOC reflected an ongoing effort to correct the violation cited in a violation letter dated April 28, 2017. The finalized AOC satisfies the requirements of 82-4-335(10)(a)(ii), MCA, and the requirements of 82-4-335(10), MCA have been addressed satisfactorily.

Based upon the conclusions documented in this decision letter, the previous acceptance of the required reclamation bond, and the transfer of the necessary bond to “obligated,” a copy of the approved permit form is attached.

Appeal of DEQ’s Decisions

Legal actions seeking review of DEQ’s approval of LBC’s application for an amendment must be filed within 90 days from the date of this decision document under Section 82-4-349(1), MCA. Any action or proceeding alleging a failure by DEQ to comply with MEPA, or inadequate compliance with a MEPA requirement, must be brought within 60 days after issuance of this decision document pursuant to Section 75-1-201(5)(a)(ii), MCA.

Sincerely,

A handwritten signature in blue ink that reads "Dan Walsh". The signature is written in a cursive style with a large initial "D".

Dan Walsh
Chief, Hard Rock Mining Bureau
Air, Energy and Mining Division
Montana Department of Environmental Quality
email: dwalsh@mt.gov
phone: (406) 444-6791

Attachment: Final Permit for Amendment 001 to OP No. 00022

File: 00022.3

Cc: Cassie Dellwo; Five Valleys Law, P.L.L.C., cassie@fivevalleyslaw.com