

April 10, 2006

Dear Reader:

Enclosed for your review and comment is the Draft Environmental Assessment (EA) for an operating permit amendment requested by ES Stone and Structure, Inc. (ES Stone) of Ryegate, MT. ES Stone applied for an operating permit amendment to quarry and collect rock products on two new sites on February 23 and 27, 2006. The amendment application is now complete. This letter serves as formal notice of application of the amendment. This Draft EA evaluates the potential impacts from the quarry operations. The Montana Department of Environmental Quality (DEQ) must decide whether to approve the permit as proposed, deny the request for an operating permit, or approve the operating permit with modifications.

The Draft EA addresses issues and concerns raised during public involvement and from agency scoping. The agencies have decided to approve the permit as proposed as the preliminary preferred alternative. This is not a final decision. This conclusion may change based on comments received from the public on this notice of application, Draft EA, new information, or new analysis that may be needed in preparing the Final EA.

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

Public comments concerning the adequacy and accuracy of the Draft EA will be accepted for 30 days, until May 20, 2006. Written comments may be sent to the Montana Department of Environmental Quality, Environmental Management Bureau, PO Box 200901, Helena, MT 59620-0901, attn: Patrick Plantenberg.

Since the Final EA may only contain public comments and responses, and a list of changes to the Draft EA, please keep this Draft EA for future reference.

Patrick Plantenberg
Operating permit Section Supervisor
Environmental Management Bureau

Date

File 00163.70
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CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: E.S. Stone and Structure, Inc., P. O. Box 28, Ryegate, MT 59074

PROJECT: Building stone quarry and rock collecting site

PERMIT OR LICENSE: Operating Permit Amendment Application

LOCATION: The Vander Voort Site # 11 would be located on five acres in Section 20, Township 6 North and Range 19 East, 6.5 miles south of Barber, MT in Golden Valley County (See Exhibit 1). The Eden Site #12 would be located on 300 acres in Section 31, Township 19 North and Range 4 East, nine miles south of Great Falls, MT in Cascade County (See Exhibit 2).

COUNTY: Golden Valley and Cascade

PROPERTY OWNERSHIP: Federal State Private

TYPE AND PURPOSE OF ACTION: E.S. Stone and Structure, Inc. (ES Stone) quarries and collects building stone under Operating Permit 00163 on eight sites in Golden Valley and Wheatland counties.

Operating Plan: ES Stone filed an application on February 23 and 27, 2006 for an amendment to Operating Permit 00163 from the Montana Department of Environmental Quality (DEQ), Environmental Management Bureau in Helena. ES Stone has lease agreements with two ranches in Golden Valley and Cascade counties to quarry and hand pick rock for landscaping and masonry purposes. The two new sites would be on private land.

ES Stone quarries landscaping and masonry rock found along outcrops, hilltops, and other areas. Rock is quarried from the surface to 16 feet deep. Large rock slabs are extracted with an excavator. Smaller rocks are picked with a backhoe or by hand.

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

Reclamation Plan: As each quarry or portion of a quarry is closed, the waste stone is backfilled into the pits or pushed into low piles if the quarrying does not create pits and depressions. Piles of waste rock from the Eden Site # 12 at the staging area near the road would be stockpiled for later use by the landowner. The landowner would crush it for private use as road mix or sell it for use on area roads. Previously saved soil is spread over the recontoured ground and the areas are seeded with a native grass seed mix on areas of native range, or returned to agricultural production on areas that were previously farmed. Temporary sheds housing the rock splitters would be removed at closure of operations. Soil in the staging area would be scarified before seeding.

The proposed new sites have been reviewed for compliance under a Supplemental Programmatic Environmental Assessment (SEA) for a General Quarry Operating Permit published by the DEQ in February 2004. DEQ has determined that the Vander Voort Site # 11 meets all the requirements listed in the SEA and would not have more than five acres disturbed and unreclaimed at any one time. ES Stone can receive an operating permit amendment without additional environmental analysis for this site. ES Stone would have to post additional reclamation bond for this site. The Vander Voort Site # 11 also complies with the 2005 EA published by DEQ that was used to approve Operating Permit 001063. This 2006 EA will be used to let the public know DEQ is permitting the Vander Voort Site # 11.

The Eden Site # 12 proposed by ES Stone meets all the requirements under the SEA except that the disturbance cannot be kept below five acres disturbed and unreclaimed at any one time. On the Eden Site # 12, ES Stone would have a 3.5-acre pallet and splitting yard and up to five acres disturbed and unreclaimed at any one time on the 300 acre rock picking area. ES Stone cannot receive an operating permit amendment for the Eden Site # 12 without additional environmental analysis. This 2006 EA will be used to decide if DEQ should allow the amendment to cover the Eden Site # 12.

ES Stone currently has a conceptual 1000-acre permit area approved under Operating Permit 00163. This permit amendment would not increase the conceptual permitted area. Currently, eight sites are permitted to be quarried on 174 of the permit acres. This amendment would increase the number of permitted sites to ten and the acres permitted to 479. Currently, 107 acres out of the 174 permitted acres would be disturbed. The amendment would increase the acres to be disturbed to 412.

The following EA discusses the potential impacts from the Eden Site # 12.

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

N/A = Not Applicable

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACT AND MITIGATION MEASURES
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?	[Y] The predominant soils that will be impacted in the Eden Site # 12 are deep to shallow, nearly level to very steep, loams. These soils formed in alluvium; material weathered from shale, igneous rock, and sandstone; and from rock outcrops. The sites are all on dissected uplands. These soils are susceptible to wind erosion when exposed until reclamation is completed. Concurrent reclamation would limit the amount of soil susceptible to erosion from wind or water down to five acres. During periods of extreme drought, reclamation seedings may fail with some resulting loss of soil. Failed seedings would be reseeded until vegetation is successfully established. No new roads would be constructed on the Eden Site # 12. Removal of the rocks

IMPACTS ON THE PHYSICAL ENVIRONMENT	
	from the surface is an unavoidable impact of rock product operations.
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?	[N] The two sites are dry and well removed from surface water. All of the excavations are relatively shallow and would not impact ground water. Groundwater based on area wells is 50-90 feet deep. There are no water wells within 1000 feet of the rock product site. ES Stone has committed to retrieve and properly dispose of any spilled fuel or contaminated soils.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[Y] There would be dust produced by the operations due to travel on the gravel roads commonly found in the area. The landowners can require dust control as needed on their leases to the company. 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.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[Y] The native plant communities on this shallow to very shallow range site are dominated by native grasses. The plant communities that would be impacted are common in the sedimentary plains of Montana. Some of the site would be on dry cropland, where the native communities have been removed for agricultural production. A search of the Montana Natural Heritage Program database at the Montana State Library in Helena, MT found that there are no threatened and endangered (T & E) or sensitive plant species growing in these areas. The disturbance on the sites would lead to more noxious weed invasion in the area, especially from the existing populations of leafy spurge. Weed control efforts would limit these impacts. The disturbed lands would be reclaimed to grazing use and wildlife habitat.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[Y] The rock product area is commonly used by mule deer and antelope. They would be displaced around the human activity until reclamation is completed. There is no aquatic habitat in the quarry area.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or	[N] Bald eagles are seasonal migrants through the area, but do not remain in the uplands. They are more closely associated with the Missouri River valley than the uplands. Eagles may use the outcrops as perching sites and sites to

IMPACTS ON THE PHYSICAL ENVIRONMENT	
endangered species or identified habitat present? Any wetlands? Species of special concern?	hunt small animals.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] A records search by the State Historic Preservation Office did not return any historical or archaeological sites. The quarries have the potential to impact cultural resources. ES Stone has committed to protect any resources found.
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[Y] The proposed rock collecting site is in a remote, rural area. Activity would be visible from some county roads during operations, but the disturbance created would not be readily apparent in the absence of construction equipment. Soil will be replaced after the rock has been removed and areas reseeded. The reclaimed rock collecting site would not appear as the original rangeland in the area. This is an unavoidable impact of quarrying activities.
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	[N] These projects would be isolated and require a minimum of energy resources.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] The surrounding land use is livestock grazing and dryland farming.

IMPACTS ON THE HUMAN POPULATION	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these	[N] These operations are a source of income for the area rancher.

IMPACTS ON THE HUMAN POPULATION	
activities?	
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] This operation in Cascade County and other stone producing operations are major employers in Golden Valley and Wheatland counties, providing work for a segment of the population that is otherwise unemployed, or underemployed.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] This project would create tax revenue.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] There is no anticipated need for increased government services as a result of this project.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] There are no wilderness or major recreational areas on private land in these counties.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] The work force would be local or drawn from neighboring counties. The royalty payments made to landowners would help maintain the sometimes tenuous existence of the family owned farms and ranches recovering from the regional drought.

IMPACTS ON THE HUMAN POPULATION	
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[Y]
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	[N]
23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further 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.	[N/A]
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. **Alternatives Considered:**
No Action: Deny the request for operating permit. No issues were identified which would require denying the permit.
Approval: Approve the permit as proposed.
Approval with Modification: No unresolved issues were identified which would require modification of the proposal.
26. **Public Involvement:** A legal notice and press release have been published with this Draft EA.
27. **Other Governmental Agencies with Jurisdiction:** None
28. **Magnitude and Significance of Potential Impacts:** There would be no significant impacts associated with this proposal.
29. **Building stone quarries and rock collecting sites are increasing throughout Montana. DEQ has prepared a SEA on these operations. The operations that qualify must meet the following provisions as listed in the SEA in Attachment 1:**
- Any individual small quarry may maintain a working disturbance of up to five acres. Total disturbance during the life of an individual operation could exceed five acres, but concurrent reclamation would be required to keep the disturbance at any one time to five acres or less. Access roads would not be included in the disturbed total, but the operator would submit a reclamation bond for roads that do not have an approved use after quarrying. Roads approved for the land use after quarrying and access or haulage roads which are required by a local, state, or federal agency having jurisdiction over that road would not have to be bonded;
 - There would be no impact to any wetland, surface or ground water;
 - There would be no constructed impoundments or reservoirs used in the operation;
 - There would be no potential to produce any acid or other pollutive drainage from the quarry;
 - There would be no impact to threatened and endangered species; and
 - There would be no impact to significant historic or archaeological features.

The Eden Site # 12 proposed by ES Stone meets all these requirements except the operator cannot keep the disturbance to less than five acres disturbed and unreclaimed at any one time. Even though the site may exceed five acres disturbed and unreclaimed at any one time, there would be no other impacts other than the size of the disturbance area over that analyzed in the SEA. This Checklist EA tiers to the 2004 SEA and the 2005 EA for the operating permit. Reclamation would limit impacts. DEQ would bond ES Stone to reclaim acres disturbed by quarrying.

Many acres could be potentially disturbed by quarry operations through Montana as a result of the demand for building stone. DEQ is currently reviewing two other rock product operating permit applications in Golden Valley and Wheatland counties, from Montana Rockworks in Kalispell and Bozeman Brick, Block, and Tile in Bozeman. The cumulative impacts from all these operations would lead to more soil disturbance requiring reclamation, more impacts to native plant communities and increased potential for noxious weed invasion and spread, and more economic benefits to the local economies from quarry operations. All but one of the proposed quarries in Golden Valley and Wheatland County are on private property. One quarry is on

Montana Department of Natural Resources and Conservation, State of Montana School Trust Lands.

30. Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

31. EA Checklist Prepared By: Pete Strazdas, Small Miner and Exploration Section Supervisor and Patrick Plantenberg, Operating Permit Section Supervisor.

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

Signature

Date

**Patrick Plantenberg
Operating Permit Section Supervisor**

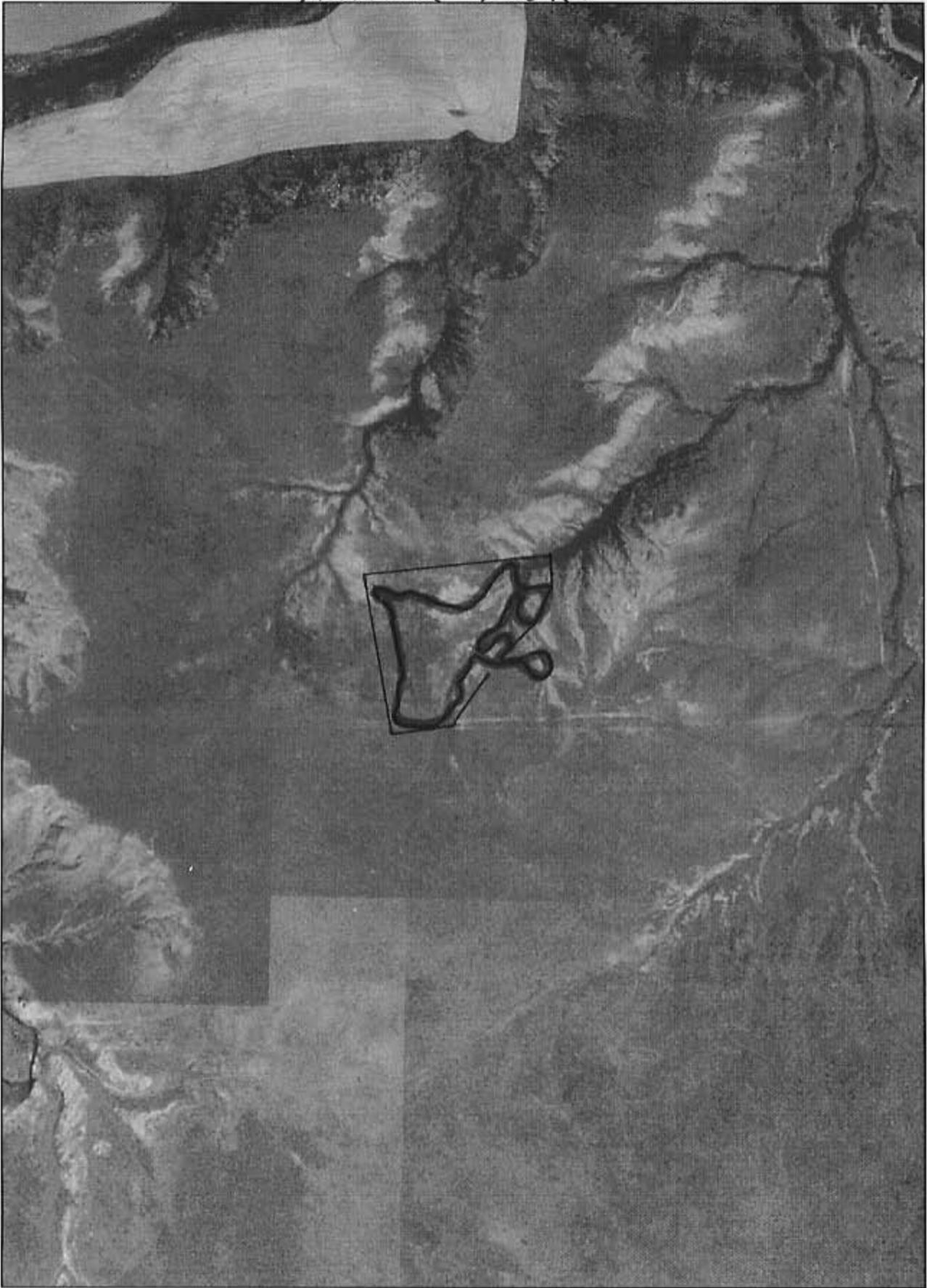
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EXHIBIT 1

ES STONE NEW

VANDER VOORT # 11



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EXHIBIT 2

