

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMITTING AND COMPLIANCE DIVISION**

**RECORD OF DECISION**

**For Golden Sunlight Mine**

**Amendment 015 to Operating Permit No. 00065**

**Jefferson County, Montana**

**January 2014**

The Final EIS on GSM's proposed amendment to Operating Permit 00065 can be obtained by contacting DEQ MEPA Coordinator Kristi Ponzozzo at 406-444-2813 or from DEQ's web site (<http://deq.mt.gov/eis.mcp.x>). Additional printed or electronic (on compact disc) copies of this ROD and the Final EIS are available upon request. The supporting project record is available for review at the Department of Environmental Quality, Environmental Management Bureau, located at 1520 East Sixth Avenue, PO Box 200901, Helena, MT 59620-0901. For additional information concerning these decisions, contact Kristi Ponzozzo, Director's Office, DEQ, 1520 E. Sixth Avenue, Helena, MT, 406-444-2813.

  
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Tracy Stone-Manning, Director  
State of Montana  
Department of Environmental Quality

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Date



# Section 1 - Background

## 1.1 Introduction

Golden Sunlight Mine (GSM) currently operates an open pit gold mine in southern Jefferson County near Whitehall, Montana (**Figure 1**) under Operating Permit No. 00065. Subsequent to its issuance in June of 1975, DEQ has approved fourteen amendments and numerous other minor revisions to the operating permit. The amendments are listed in **Table 1-1** in the final EIS (DEQ 2013).

GSM submitted an Application for Amendment 015 to their operating permit in September of 2012 (GSM 2012a). The proposed amendment would allow GSM to expand its mining operation in the Mineral Hill Pit and to mine a smaller nearby pit, extending the life of its mining operation by up to two years. The Department of Environmental Quality (DEQ) issued a deficiency letter to GSM on November 2, 2012 and GSM responded to those deficiencies on December 21, 2012 (GSM 2012b). DEQ sent a second deficiency letter on January 18, 2013 and GSM responded to the deficiencies on February 1, 2013. DEQ determined that the amendment application was complete and complied with the Metal Mine Reclamation Act, issuing a draft amendment to the operating permit on April 30, 2013.

DEQ prepared a Draft and Final EIS for the proposed mine expansion. The Final EIS analyzes the possible environmental consequences of four alternatives: the No Action Alternative; the Proposed Action Alternative; the Agency-Modified Alternative; and the North Area Pit Backfill Alternative. The EIS was tiered to the *Final Supplemental Environmental Impact Statement Golden Sunlight Mine Pit Reclamation* (SEIS) prepared by DEQ and the Bureau of Land Management (BLM) in 2007 (DEQ and BLM 2007).

## 1.2 Project Area Description

GSM currently operates an open pit gold mine in southern Jefferson County approximately five miles from Whitehall, MT (Figure 1-1). The mine has a 3,104-acre permitted disturbance boundary in a total mine permit area of 6,125 acres. GSM also has an approved Plan of Operations with the BLM.

The mine facilities include the Mineral Hill Pit, the East Area Pit, the milling and ore processing complex, two tailings storage facilities (TSF-1 and TSF-2), and five waste rock disposal areas. The East Area Pit, TSF-1, and some of the waste rock disposal areas have been reclaimed.

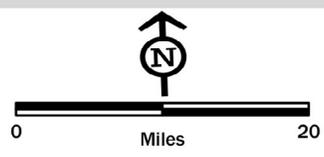
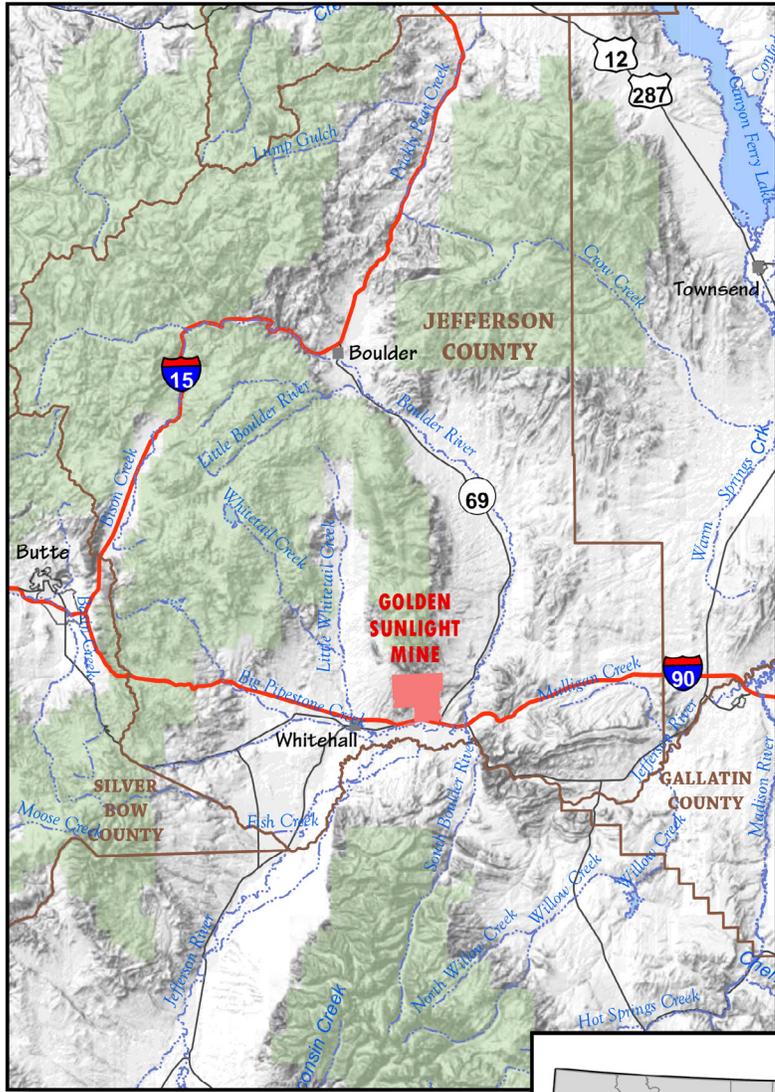


Figure 1  
Location Map

## **1.3 DEQ's Responsibilities and Purpose of the ROD**

DEQ administers the Metal Mine Reclamation Act (MMRA), Title 82, chapter 4, part 3, Montana Code Annotated (MCA) and its associated administrative rules. Lands disturbed by mining must be operated and reclaimed consistent with the requirements and standards set forth in the MMRA, including compliance with the Montana Water Quality Act.

In April of 2013, DEQ determined the permit amendment application was complete and complied with the substantive requirements of the MMRA. As a result of this determination, DEQ issued a draft permit amendment pursuant to Section 82-4-337(1)(d), MCA. Issuance of the draft permit as a final permit is the proposed state action subject to environmental review under the Montana Environmental Policy Act (MEPA).

MEPA requires an environmental review of actions taken by State agencies that may significantly affect the quality of the human environment. The environmental review culminating in the issuance of the Final EIS on December 19, 2013 was conducted to fulfill MEPA. DEQ chose the Agency-Modified Alternative as the preferred alternative in the Final EIS.

The purpose of this Record of Decision (ROD) is to set forth DEQ's decision on GSM's application to amend its operating permit and the reason for the decision. The ROD documents the alternatives considered, including a discussion of the advantages and disadvantages of the alternatives and DEQ's application of the decision criteria set forth in the Metal Mine Reclamation Act.

## **Section 2 - Public Involvement**

### **2.1 Public Involvement**

DEQ published a legal notice in the *Butte Montana Standard* and *Whitehall Ledger* newspapers on March 31, 2013, and April 7, 2013, and issued a press release on April 1, 2013. The legal notice and press release requested scoping comments be sent to DEQ by May 6, 2013. A scoping meeting was held on April 10, 2013, at the Whitehall Community Center. Approximately 140 people attended the scoping meeting, including public officials, GSM employees, and interested members of the public. DEQ received a total of 118 written comments at the scoping meeting and by regular or electronic mail.

The 30-day comment period on the Draft EIS began on September 17, 2013 and ended on October 17, 2013. A public meeting to receive comments on the Draft EIS was held

on October, 8, 2013. DEQ received over 500 comments on the Draft EIS; some comments were received at the public meeting and others were received by regular or electronic mail.

## **2.3 - Issues of Concern**

There were no adverse issues of concern raised by the public during scoping for the proposed amendment. The 118 comments received during scoping were in support of the proposed mine expansion that would allow continued mining by GSM. These included general comments about (1) socio-economic benefits, (2) company environmental stewardship, (3) safety, (4) the minor nature of the proposed amendment, and (5) concern about delaying the approval timeline. Ten comments discussed specific technical aspects about GSM or the proposed amendment.

DEQ identified the following resources that may be affected if GSM's proposed amendment were approved:

- Geotechnical Engineering
- Soils and Vegetation
- Surface and Groundwater Resources
- Wildlife and Fisheries
- Aesthetic Resources
- Social and Economic Conditions

## **2.4 Issues Considered but Not Studied in Detail**

DEQ determined that a number of resource areas would not be affected or would be minimally affected. Therefore, environmental impacts to these resources were not discussed in detail. These resource areas include the following:

- Air Quality
- Fisheries and Aquatics
- Noise
- Cultural and Paleontological Resources
- Transportation
- Wetlands and Waters of the U.S.
- Areas of Critical Environmental Concern
- Prime or Unique Farmlands
- Wild and Scenic Rivers
- Wilderness
- Water Rights

- Safety

### **Section 3 - Alternatives Considered**

Chapter 2 of the Final EIS describes the alternatives analyzed and the alternatives considered but excluded from detailed analysis. The potential environmental impacts of the following alternatives were analyzed in detail in Chapter 3 of the Final EIS.

- No Action Alternative
- Proposed Action Alternative
- Agency-Modified Alternative
- North Area Pit Backfill Alternative

DEQ considered, but dismissed without considering in detail, a backfill alternative for the South Area Layback of the Mineral Hill Pit because it would not change the analysis that resulted in DEQ's 2007 decision not to require partial pit backfill of the Mineral Hill Pit based on water quality concerns.

### **Section 4 - Decision and Rationale for Decision**

DEQ has selected, for permitting, the Agency Modified Alternative, allowing GSM to mine additional ore in the South Layback Area of the Mineral Hill Pit and the North Area Pit. The Agency Modified Alternative is the same as GSM's proposed mine expansion contained in the Proposed Action Alternative, with the exceptions that GSM is required: 1) to implement closure geodetic and ground-movement monitoring for the North Area Pit and East Waste Rock Dump Complex expansion area to ensure safe access and to keep reclamation cover systems working; and 2) to prepare a detailed bat and raptor habitat reclamation plan for the North Area Pit Highwall. DEQ is selecting these two modifications with the consent of GSM.

DEQ is approving the South Layback Area expansion of the Mineral Hill Pit because the basis for DEQ's selection of the Underground Sump Alternative in 2007 applies to the South Area Layback. The Underground Sump Alternative was selected because it provided adequate assurance that pollution of the Jefferson River alluvial aquifer and surface water in the Jefferson River Slough in violation of water quality laws would not occur. The alternatives considered in 2007 that provided for backfill of the Mineral Hill Pit did not provide such assurance. The rationale for DEQ determining that reclamation of the Mineral Hill Pit complied with the MMRA in its 2007 decision is equally applicable to the South Layback Area of the Mineral Hill Pit.

In regard to reclamation of the North Area Pit, DEQ considered a North Area Pit Backfill Alternative in addition to the Proposed Action and Agency Modified Alternative. While the North Area Pit Backfill Alternative would provide better structural stability, no highwall failures would occur under any of the alternatives that would threaten public safety or the environment outside the pit. The North Area Pit Backfill Alternative would provide more habitat for terrestrial wildlife because of the increased acreage that would be revegetated. The Proposed Action Alternative and Agency Modified Alternative, however, would provide habitat for terrestrial wildlife as well as bats and raptors. The North Area Pit Backfill Alternative would provide better blending in appearance with surrounding areas. However, the area where a portion of the North Area Pit highwall would remain, post closure, would be adjacent to naturally steep, rocky terrain.

Overall, the North Area Pit Backfill Alternative is not predicted to substantially alter long-term groundwater management and treatment requirements when compared with the Proposed Action or Agency Modified Alternatives. However, backfilling the North Area Pit would preclude the construction of an in-pit sump, which would eliminate the option of having a second method of seepage collection in the event that the external dewatering wells fail.

In addition, if the external dewatering wells were to fail, they could be replaced before the water table rebounds and impacted water begins discharging from the North Area Pit under the Proposed Action or Agency Modified Alternatives. If the external dewatering wells were to fail under the North Area Pit Backfill Alternative, it is unlikely that replacement wells could be installed before impacted groundwater begins to discharge from the North Area Pit.

Finally, reclamation under the North Area Pit Backfill Alternative could eliminate the potential benefits of redirecting groundwater from the head of the East Waste Rock Dump Complex flowpath into the North Area Pit, where it could be more easily captured.

The geodetic and ground-movement monitoring will allow for safe access into the North Area Pit for maintaining the water removal systems from a sump, if needed, and monitoring the East Waste Rock Dump Complex to keep reclamation cover systems working. While GSM conceptually proposed promoting bat and raptor habitat in the portion of the North Area Pit highwall that is not regraded and seeded, a detailed plan should be developed for this component of reclamation.

## **Section 5 - Findings Required by Laws and Policies**

### **Montana Environmental Policy Act (MEPA)**

MEPA requires State agencies to conduct an environmental review when making decisions or planning activities that may have a significant impact on the environment. MEPA and the administrative rules promulgated under MEPA define the process to be followed when conducting an environmental review. The Draft and Final EIS that DEQ prepared in regard to GSM's proposed amendment complies with the procedural requirements of MEPA.

### **Metal Mine Reclamation Act (MMRA)**

#### 1. Procedural Compliance

In 2011, the Montana Legislature made procedural changes to the permitting provisions of the MMRA by enactment of SB 312. The changes are set forth in Section 82-4-337, MCA. Section 82-4-337(1)(e), MCA, requires DEQ to issue a draft permit when it determines that an operating permit application is complete and compliant. Under Section 82-4-337(1)(f), MCA, issuance of the draft permit as a final permit is the proposed state action that is subject to review under MEPA. Similarly, Section 82-4-337(h)(iv), MCA, provides that a final permit may not be issued until the review pursuant to MEPA is completed or one year has elapsed after the draft permit is issued. Thus, the Montana Legislature has directed DEQ to comply with MEPA after DEQ determines that a permit application is complete and compliant and issues a draft permit. This procedure also applies to applications for major amendments of an operating permit.

SB 312 did not make any substantive changes to MEPA. Under MEPA state agencies are required to consider alternatives to a proposed action in an environmental impact statement. The Agency-Modified and North Area Pit Backfill Alternatives were developed by DEQ to satisfy its statutory obligation to consider alternatives to a proposed action under MEPA. Thus, DEQ has complied with Section 82-4-337(1), MCA, by issuing a draft permit upon determining that GSM's permit amendment application was complete and compliant, and then performing an environmental review which complied with MEPA, including analysis of reasonable alternatives to GSM's proposed permit amendment.

Section 82-4-337(2)(b), MCA, expressly gives DEQ the authority to include stipulations in a final permit that were not included in the draft permit. DEQ may do so either with

the applicant's consent or upon providing the applicant with a written explanation as to the reason for the stipulation and the reason the stipulation was not included in the draft permit. Thus, Section 82-4-337(2), MCA, contemplates situations in which issues are first identified in the MEPA review. It provides DEQ with an avenue for addressing those issues by giving it the authority to include stipulations in the final permit that were not included in the draft permit issued prior to the environmental review.

The Agency-Modified Alternative includes two stipulations that were not included in the draft permit. GSM is required to implement closure geodetic and ground-movement monitoring for the North Area Pit and East Waste Rock Dump Complex and to prepare a detailed bat and raptor habitat reclamation plan for that portion of the North Area Pit Highwall that will not be regraded, soiled and revegetated. These two stipulations are being included in the final permit with the consent of GSM. Thus, DEQ has complied with Section 82-4-337(2), MCA.

## 2. Substantive Compliance

In enacting the MMRA, the Montana Legislature found that it is not practical to extract minerals without disturbing the surface of the earth and without producing waste material and that the very character of many types of mining precluded complete restoration of the land to its original contour. The Montana Legislature also found that the reclamation standards set forth in the MMRA allow for exploration and mining while adequately providing for the subsequent beneficial use of the lands to be reclaimed.

DEQ may not approve a reclamation plan unless the reclamation plan satisfies the requirements and standards set forth in Section 82-4-336. Because the operating permit amendment proposed by GSM is expansion of the Mineral Hill Pit and the development of the North Area Pit, the reclamation standards applicable to open pits and rock faces set forth in Section 82-4-336(9)(b), MCA, are relevant. With regard to open pits and rock faces, the reclamation plan must provide sufficient measures for reclamation to a condition:

1. of stability structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to humans or the environment;
2. that affords some utility to humans or environment;
3. that mitigates post reclamation visual contrasts between reclamation lands and adjacent lands; and

4. that mitigates or prevents undesirable offsite impacts.

Under Section 82-4-336(9)(c), MCA, the use of backfilling as a reclamation measure is neither required nor prohibited in all cases. DEQ's decision to require any backfill measure must be based on whether and to what extent the backfilling is appropriate under the site-specific circumstances and conditions in order to achieve these standards.

Under Section 82-4-336(10), MCA, all reclamation plans must provide sufficient measures to ensure public safety and to prevent the pollution of air or water and the degradation of adjacent lands.

As required by Section 82-4-337, MCA, DEQ determined that GSM's proposed amendment to its operating permit complied with the reclamation standards for open pits prior to issuance of a draft permit. The analysis contained in this Final EIS, which is informed by comments received by DEQ on the draft EIS and DEQ's responses to those comments, did not change DEQ's previous determination that the proposed amendment complied with the reclamation requirements for open pits by providing the required structural stability, utility to humans or the environment, mitigation of post reclamation visual contrasts, and mitigation or prevention of undesirable contrasts. In addition, the analysis did not change DEQ's previous determination that the proposed amendment prevented the pollution of water resources.

#### A. South Area Layback of the Mineral Hill Pit

In the 2007 approval of Amendment 11 authorizing expansion of the Mineral Hill Pit, DEQ determined that the Underground Sump Alternative and stipulations set forth in the Operating Permit 00065 achieved the standards described in Section 82-4-336(9)(b), MCA. Additionally, only the alternatives that did not require backfilling of the Mineral Hill Pit provided adequate assurance that pollution of the Jefferson River alluvial aquifer and surface water of the Jefferson River would not occur. Sufficient control of pit seepage to protect groundwater and surface water quality could not be reliably assured under the partial pit backfill alternatives because of the uncertainty associated with drilling and operating wells in the 875 feet of backfill and with effectively capturing seepage within the pit or downgradient of the pit. See Record of Decision dated August 17, 2007.

The South Area Layback is an expansion of the Mineral Hill Pit. Thus, the compliance determination that DEQ relied on in the 2007 amendment decision generally applies to the proposed amendment for the South Area Layback of the Mineral Hill Pit. With the exception of some raveling and bench scale failures, no substantial pit wall stability

issues have been identified in this area. During the post-closure period, human access to the pit area will be controlled by fence installation and signage.

To the extent that pit benches in the South Area Layback can be safely accessed, GSM is required to place growth media on the pit benches to support establishment of vegetation, and tree seedlings will be planted on berms and benches. In addition, GSM is required to place growth media on large benches within the South Layback Area prior to loss of access to these areas. The growth media will be seeded with an approved seed mix. The revegetated portions of the South Layback Area will total approximately 22 acres, providing wildlife habitat. In addition, the remaining rock faces in South Area Layback will afford opportunity for use by raptors, including Golden Eagles.

Portions of the highwall that will be created in the South Area Layback are visible from some vantage points. As indicated previously, seeding and/or plantings of shrubs and trees on accessible benches in the highwalls of the South Area Layback will be conducted where safety considerations are not jeopardized. The plantings and seeding of benches will reduce the visual contrast between the highwall areas and adjacent undisturbed topography. Raveling and minor sloughing of the benches after cessation of mining will reduce or eliminate the horizontal benches, further reducing the visual contrast between the highwall areas and adjacent steep undisturbed areas.

The South Area Layback will add approximately 26.6 acres to the Mineral Hill Pit. The run-off that will be collected by the South Area Layback is estimated to be approximately 10 gallons per minute, which is an approximate 11 percent increase in the volume of water to be managed in the underground sump. Given the capacity of the underground sump, the increase in pit inflow will not exceed the design capacity of the sump or the pumping system currently authorized for post-closure water management. Thus, no impacts to groundwater or surface water outside the pit are anticipated because impacted groundwater would be captured by the underground sump and not flow from the pit.

#### B. North Area Pit

The eastern portion of the North Area Pit comprising approximately 30 acres, or more than half the pit, will be developed as a 2H:1V slope during operations. Minor regrading will be required at closure. This portion of the North Area Pit highwall will have no stability issues.

This regraded 2H:1V slopes of the North Area Pit will be capped with growth medium at closure and revegetated. While the primary purpose of the revegetation is to reduce infiltration of precipitation, the revegetated areas will provide wildlife habitat. The orientation of the North Area Pit that is to be reclaimed as a revegetated 2H:1V slope will be unlikely to be visible from publicly accessible areas.

The remaining North Area Pit highwall will not be regraded at closure. The North Area Pit highwall will be approximately 575 feet in height from the pit bottom at its highest point. While there will be some raveling and minor sloughing of the benches in the portion of the highwall that is not regraded and revegetated, it should be structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to public safety and the environment. Human access to the pit would be controlled during the post-closure period. Security, fence installation and signage would be used to control human access to the mine area.

Seeding and/or planting of shrubs and trees on accessible benches in the highwalls of the North Area Pit will be conducted where safe to do so. The plantings and seeding of benches will reduce the visual contrast between the highwall area and adjacent steep undisturbed topography. Raveling and minor sloughing of the benches in the portion of the highwall that is not regraded, soiled and revegetated after cessation of mining would further reduce the visual contrast between the highwall and adjacent steep undisturbed topography.

The remaining North Area Pit highwall will remain for use by raptors, including golden eagles, and bats. In addition, the accessible benches in the highwall that are seeded and/or planted with shrubs and trees will provide additional wildlife habitat.

Because of the small size and shallow depth of the pit, and the structural control of the main water bearing units, it is technically feasible to dewater the North Area Pit using external dewatering wells. The external dewatering wells will continue to operate post-closure to ensure that groundwater that would normally flow into the pit and form a pit lake is captured and sent to the water treatment plant. Operation of the external dewatering wells post-closure will also maintain a cone of depression in the groundwater table, preventing any impacted groundwater from flowing from the site. Pumping groundwater to the water treatment plant provides a high level of certainty that impacted water from the North Pit Area will not affect off-site ambient groundwater or surface water quality.

Because the standards described in Section 82-4-336(9)(b), MCA, can be achieved without backfilling the North Area Pit, backfill as a reclamation measure is not

required under Section 82-4-336(9)(c), MCA. Moreover, backfilling the North Pit would eliminate the option of having a secondary method of seepage collection in the event that the proposed external dewatering wells fail. Backfilling could also eliminate the potential benefits of redirecting groundwater from the head of the East Waste Rock Dump Complex flow path into the North Area Pit, where it can be more easily captured.

The East Waste Rock Expansion Area will be graded to achieve overall slopes ranging from 2.0 to 2.5H:1V. The slopes will be covered with 31 inches of growth media. The top three to four inches of the surface will be amended with compost, if necessary, to achieve one percent organic matter content. The graded slopes will be seeded with drought-resistant grasses, shrubs and forbs. Regrading the East Waste Rock Expansion Area, covering its regraded slopes with growth media, and seeding it with drought resistant vegetation will minimize the amount of precipitation that infiltrates into the waste rock dump.

### **Water Quality Act**

In the 2007 approval of Amendment 11 authorizing expansion of the Mineral Hill Pit, DEQ determined that the Underground Sump Alternative provides almost complete control of pit discharges by creating a hydrologic sink. As a result, DEQ determined that there will be no risk of violation of groundwater standards and beneficial uses in the Jefferson River alluvial aquifer and the Jefferson River Slough from pit seepage.

The South Area Layback will result in a completely free draining expansion of the Mineral Hill Pit in the southeastern portion of the pit. Because the expansion will increase the amount of direct precipitation and runoff reporting to the pit, the volume of water that needs to be captured by the underground sump will increase by an average annual rate of approximately 10 gpm. The quality of the water that needs to be treated will not change. The increase in the volume of water needing treatment is within the design capacity of the currently approved Mineral Hill dewatering plan and will not affect the construction of the underground sump and operation of the pumps. Thus, the South Area Layback does not affect DEQ's 2007 determination that the Underground Sump Alternative provides adequate assurance that a violation of water quality laws will not occur in the Jefferson River alluvial aquifer or the Jefferson River Slough.

In regard to the North Area Pit, the external dewatering wells will continue to operate post-closure to ensure that groundwater that would normally flow into the pit and form a pit lake is captured and sent to the water treatment plant. The dewatering wells will

be completed in the bedrock aquifer and will capture most pit seepage in the vicinity of the North Area Pit. The quality of the groundwater produced by the external wells may be sufficient to allow reinjection in a downgradient aquifer or disposal in a land application system with little or no treatment. However, GSM will be required to capture the groundwater and convey it to the existing water treatment plant.

The capture and treatment of groundwater impacted by the North Area Pit will provide a high degree of certainty in ensuring protection of off-site ambient groundwater and surface water quality. In addition, not backfilling the North Area Pit will maintain the option of having a secondary method of seepage collection in the event that the proposed external dewatering wells fail.

The expansion of the East Waste Rock Dump is expected to increase potential seepage from the dump 10 to 12.1 gpm. The East Waste Rock Dump is constructed on sedimentary units that provide substantial buffering and attenuation to impacted water that may migrate from the dump expansion. Groundwater monitoring will continue at existing wells located downgradient of the East Waste Rock Dump. Should groundwater be affected from rock placed in the expansion of this facility, GSM will pump and treat groundwater in accordance with the currently approved permit. Thus, objectionable post mining discharges to groundwater will be prevented.

### **Montana Pollutant Discharge Elimination System**

An MPDES Permit is required for all discharges to surface water. GSM holds General Permit for Storm Water Discharge Associated with Mining and Oil and Gas Activities (MT 300199) issued February 11, 2003. GSM also has an approved Storm Water Pollution Prevention Plan. Discharges to groundwater may be authorized under an MMRA permit, otherwise an MPDES permit would be required. The statement of basis for a groundwater mixing zone was incorporated into the operating permit in Amendment 10 through Stipulation 010-6.

### **Clean Air Act of Montana**

GSM currently operates under Air Quality Permit No. 1689-06. There would not be significant changes to air quality under Amendment 015 as there would be similar rates of mining and milling and no new emission sources. GSM would continue to comply with the requirements of their air quality permit.

### **Montana Hard Rock Impact Act**

The Golden Sunlight Mine was originally permitted before passage of the Hard Rock Impact Act. Thus, GSM is not required to have a Hard Rock Impact Plan.

### **MEPA Cumulative Effects Assessments**

Chapter 4 of the Final EIS provides a cumulative effects analysis. There are no related future actions under concurrent consideration, and no reasonable foreseeable future actions that, when considered in conjunction with past and present actions, are likely to result in additional significant impacts. Should future actions be proposed that have or may have cumulative effects, additional analysis pursuant to the applicable requirements of MEPA will be conducted.

### **Private Property Assessment Act**

Selection of the Agency Modified Alternative does not have taking or damaging implications.

### **Section 5 - Appeal of DEQ's Decision**

This decision is subject to a court appeal by the applicant and other parties for 90 days after issuance of the Record of Decision under Section 82-4-349(1), MCA. Any action or proceeding challenging a final agency decision alleging failure by DEQ to comply with or inadequate compliance with a requirement of MEPA must be brought within 60 days after issuance of the Record of Decision pursuant to Section 75-1-201(5)(a)(ii), MCA. An applicant for a permit amendment may request an administrative hearing on a denial of the application by submitting a written request for a hearing within 30 days of receipt of this Record of Decision pursuant to Section 82-4-353(2), MCA. The request must state the reason that the hearing is requested.