CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Elbow Lake Aggregate Take and Remove Permit
Proposed Implementation Date:	Spring 2023
Proponent:	LHC, Inc.
Location:	T15N-R14W Sections: 20 NE4NE4 (Pine Hills)
County:	Missoula

I. TYPE AND PURPOSE OF ACTION

LHC, Inc. henceforth referred to as the proponent, has applied for a Trust Lands aggregate take and remove permit in Missoula County, MT near Elbow Lake. The proposed action being evaluated is the issuance of an aggregate take and remove permit, which would allow the proponent the ability to mine, crush, and remove gravel from State Trust Lands, along with the utilization of an asphalt plant. An aggregate take and remove permit is valid for approximately 2 years, with renewal ability. The application is for approximately 21 acres, referred to as "the project area". The pit and asphalt plant would be expected to operate intermittently on an as-needed basis to provide resources for local highway projects. This document will analyze the impacts of issuing an aggregate take and remove permit, and subsequent renewals of the same area. If there are significant changes to total acreage, or operating plans within a renewal application, the project may require an additional environmental analysis. The final reclamation date listed in the DEQ dryland opencut permit is the year 2040.

The proponent has obtained a DEQ Opencut Mining dryland permit from the Montana Department of Environmental Quality's Opencut Mining Section. The proponent must obtain the proper permits for both crushing operations and asphalt emissions through the Montana DEQ's Air Quality Bureau.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

An aggregate take and remove permit was applied for by the proponent. Initial proposal scoping notice letters were sent to potential affected interests on March 9, 2023. A press release was issued in the Missoulian (Missoula, MT) March 10, 2023, and the Seeley Pathfinder (Seeley Lake, MT) on March 16, 2023. A legal scoping notice was published in the Seeley Pathfinder (Seeley, MT) and the Missoulian (Missoula, MT) on March 16, 2023.

A 30-day public comment period was opened on March 16, 2023 and closed on April 16, 2023. Comments were collected via mail, and Microsoft forms (digitally). Public comment has been included in this document as Appendix A, which is incorporated herein by reference. Each comment was read and analyzed to develop the resource issues and concerns within. They were then categorized based off commonality between comments. Categorical departmental response to public comment can be found in Appendix B of this document. Appendix B is incorporated herein by reference.

Through internal and external scoping, the project development team identified the most prevalent resource issues and concerns which are listed at the beginning of each resource section within this document. If there are no issues and concerns listed, none were identified for that resource.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

To mine gravel on Montana State Trust Lands the proponent must obtain and keep current the following permits:

- Aggregate Take and Remove Permit – Montana DNRC – Trust Lands Management Division (MMB)
- Opencut Mining Permit – Montana DEQ Opencut Section
- With respect to Air Quality the proponent must obtain and comply with:
    - An air quality permit from the MT DEQ Air Resources Management Bureau
    - A proponent must comply with Federal Clean Air Act
    - A proponent must comply with Montana Clean Air Act

As of the construction of this document, the proponent does not plan to utilize an on-site groundwater well. If a water well is needed in the future, the proponent must apply to, and obtain the proper water right from the Montana DNRC's Water Rights Bureau and coordinate with Montana State Trust Lands.

3. ALTERNATIVES CONSIDERED:

***No Action Alternative*:** The aggregate take and remove permit would be denied and the proponent would not - mine or utilize gravel from the State Trust Lands tract near Elbow Lake. If this alternative is selected, the proponent would haul gravel from a privately owned site north of Browns Lake to the Salmon Lake reconstruction job scheduled to occur the summer of 2023. The haul would be a 50-mile round trip from pit to job. A map of the haul route is included on page 23 of this document as Attachment A. There also may be subsequent projects in which a haul route from the proposed site would be closer than an existing source.

***Action Alternative*:** The aggregate take and remove permit would be approved and the proponent would be allowed to mine, crush, and remove gravel from the proposed location on State Trust Lands. The approval would also allow the proponent the ability to operate an asphalt plant within the boundaries of the permit area. The proponent plans to utilize the pit intermittently, as needed to service the needs of local infrastructure projects. The pit would not be a commercialized source operating year-round. While the aggregate take and remove permit is valid for two years, there is an ability for automatic renewal. The final reclamation date listed in the DEQ permit is 2040.

SUMMARY OF POTENTIAL IMPACTS TO THE PHYSICAL AND HUMAN ENVIRONMENT

The impacts analysis identifies and evaluates direct, secondary, and cumulative impacts.

• **Direct impacts**: impacts that occur at the same time and place as the action that causes the impact

• **Secondary impacts**: further impacts to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action.

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

Where impacts are expected to occur, the impacts analysis estimates the duration and severity of the impact.

<u>The duration of an impact is quantified as follows:</u>
• **Short-term**: impacts that would not last longer than the proposed operation of the site, including reclamation of the site.
• **Long-term**: impacts that would remain or occur following reclamation of the proposed site.

<u>The severity of an impact is measured using the following:</u>
• **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

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

Issues and Concerns

- Soil quantities and health must be maintained through the project phase to achieve proper reclamation.

Current conditions:

Geology: The geology at the site consists of glacial flood deposits of gravel and boulders. This overlies the lower Missoula group. There are no unusual geologic features at the site.

Soils: According to the USDA's Web Soil Survey, the project area consists of one member, perma gravelly loam. The typical profile is described as: 0-12 inches: gravelly loam, 12-36 inches very gravelly sandy loam, 36-60 inches, extremely gravelly loamy sand. This is consistent with the results observed during testing operations conducted by the proponent and Trust Land's staff.

The primary soil factors to consider for gravel mining activities are soil erodibility and soil restoration potential. Soil erodibility is a factor that determines the soils risk to erode from stresses such as weather and machinery travel upon it. Soil restoration is the potential for restoration to the original state, this is a good metric of how the soil would react upon reclamation. Perma gravelly loam has a low risk for erosion and a high potential for restoration.

Alternatives

***No Action Alternative*:**
Direct Impacts: The proponent's application would be denied and the site would not be mined. Soil and geology in the project area would remain intact and would not change resulting from gravel mining.

***Action Alternative*:**
Direct Impacts: Gravel would be excavated and utilized for surrounding infrastructure projects, the removal and utilization of the gravel is irreversible. All soil present on the site would either remain in place or be stripped, stockpiled, seeded and saved for reclamation. Stockpiled soil would be planted with a seed mix to mitigate erosion. Upon reclamation, the soil would be replaced upon the disturbed areas and would be planted with a native seed mix approved by the Department. The stripping and moving of soil could result in minor losses of total volume, but it would not impair the reclamation efforts of the site. There are no unusual or fragile soils, or geologic features within the project area. Impacts to soil are expected to be negligible and long-term resulting from the selection of the action alternative. Impacts to topography are expected to be minor and long-term resulting from the selection of the action alternative.

Secondary Impacts: There are no secondary impacts expected to geology and soil quality, stability and moisture from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to geology and soil quality, stability and moisture from the selection of the action alternative.

Duration: Direct impacts of the selection of the action alternative would be expected to be long-term.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- Berms that are constructed by topsoil and overburden, would be planted to mitigate erosion from moisture events and wind.

---

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

Issues and Concerns

- The gravel pit may impact the quality or quantity of groundwater and surface water in the area. This includes Elbow Lake, Clearwater River, Blackfoot River.
- Contaminants may seep into the groundwater table or runoff into surface water.
- The MT FWP has concerns that reclamation would include a perennial pond in which illegal introduction of aquatic species could occur.
- The Clearwater Resource Council submitted comment that shows drainage through the site.

Current Conditions

Surface Water: Section 20 of T15N – R14W, contains a portion of Elbow Lake and the Clearwater River. The proposed boundaries of the pit area are approximately 1300 feet from the edges of Elbow Lake at its nearest point. The approximate elevation of the proposed project area is 3965 ft above sea level (ASL), whereas the approximate elevation of elbow Lake is 3860 ft ASL. There are also several small ponds and wetlands areas contained withing the boundaries of section 20.

Ground Water: A search of the Montana Ground Water Information Center's website yields 25 water wells within the project vicinity. Each well is summarized below in Table 1 and a map of the reported surface location of each well is included on page 24 as Attachment B of this document. Inaccurate reporting, less refined legal descriptions and poor mapping accuracy may lead to inconsistencies between the reported and physical locations of groundwater wells. An onsite inspection confirmed that there are no water wells within the 21 acre proposed permit boundary.

The proponent has not applied for a water right and does not anticipate using groundwater for mining operations at this time.

GWIC ID	Latitude	Longitude	Surface Elevation	Total Depth	Static Water Level	Depth Water Enters	Calculated Water Table Elevation
71628	47.040947	-113.398549	3854	90	55	90	3799
71629	47.040947	-113.398549	3854	120	70	78	3784
160395	47.049916	-113.390506	3970	260	77	60	3893
160768	47.0382	-113.405232	3945	80	48	80	3897
161988	47.046441	-113.395876	3897	80	52	80	3845
181614	47.049916	-113.390506	3970	340	300	<Null>	3670
187583	47.0382	-113.405232	3945	78.5	48	78.5	3897
197563	47.049	-113.397132	3853	29	14	29	3840
204507	47.039115	-113.401222	3886	196	64	96	3822
207890	47.049916	-113.390506	3970	160	<Null>	73	Unknown
210741	47.039115	-113.401222	3890	70	27	70	3863
213961	47.049916	-113.390506	3970	500	127	340	3843
217764	47.0424	-113.3985	3860	40	18	<Null>	3842
217886	47.0395	-113.3957	3876	80	43	<Null>	3833
219833	47.042778	-113.401222	3868	60	19	60	3849
227577	47.046441	-113.390529	3956	265	97	252	3859
251844	47.04125	-113.397283	3882	80	41	77	3841
251854	47.0403	-113.3974	3877	78	31	78	3846
251857	47.041633	-113.396033	3900	98	51	98	3849
251870	47.049916	-113.390506	3970	500	147	380	3823
258527	47.049916	-113.401107	3861	410	140	240	3721
297041	47.049916	-113.406408	3945	76	5	76	3940
300277	47.039733	-113.396033	3860	69	25	69	3835
300278	47.040383	-113.396967	3869	78	36	78	3833
311550	47.053579	-113.390506	4052	140	19	105	4033

The topography contour map submitted by the Clearwater Resources Council is not accurate. An accurate and current topographic map is included as Attachment C on page 25 of this document. Attachment C is incorporated herein by reference. A 3D view of the site is included as Attachment D on page 26 of this document, and a profile from A to A' is shown as Attachment E on page 27 of this document. Attachments D and E are incorporated herein by reference. The site largely slopes from west to east.

Alternatives

***No Action Alternative*:**
Direct Impacts: The site would not be mined under the no action alternative. There would be no anticipated effects to the quality or quantity of groundwater or surface water in the project area.

Action Alternative:
Direct Impacts: The average calculated groundwater elevation from nearby Ground Water information Center (GWIC) data is 3844 ft asl. The current project area elevation is approximately 3965 ft asl, which is more than 120 feet greater that the calculated groundwater elevation. Groundwater is not expected to be encountered during mining operations, and it is not anticipated that a surface water feature would remain upon reclamation. Therefore the introduction of non-native or invasive aquatic species due to the selection of the action alternative would not be expected to occur. Any water needed for the operations of the pit would be trucked in from offsite. A groundwater well has not been requested and the impacts of a groundwater well are not being evaluated under this analysis.

LHC has submitted a site plan for the proposed project that is included on page 28 as Attachment F, which is incorporated herein by reference. In the mine plan, the proposed berms are shown in green. The mine area is approximately five acres, and the average depth of soil is 24 inches across the site. Five acres of soil with an average depth of two feet is approximately 435,600 cubic feet of soil. The total length of berms for the site is approximately 2500 feet. If the total volume of soil is divided by the total feet of berm, it is found that the berm must average approximately 174 square ft of soil in it's other two dimensions. This would mean the berm could average any products of 174 feet along its path, such as 10 feet tall by 17.4 feet wide. A berm constructed in this matter would be expected to retain water introduced to the site from precipitation events. Water would then infiltrate the substrate and comingle with groundwater. To mitigate contaminant introduction from the action alternative, any hazardous liquid such as fuels or oils will be required to be contained within primary and secondary containment. The asphalt plant will not be contained within secondary containment. It should be maintained and regularly inspected in order to mitigate potential leaks. Any leak or discharge from the asphalt plant shall be cleaned and disposed of properly. The proponent shall also regularly inspect equipment to ensure there are no leaks or fire hazards. The proponent shall construct and maintain berms to ensure water retention on

the site. By utilizing berms, best mining practices, primary and secondary containment of fuels, and no utilization of a groundwater well, there are negligible impacts expected to the quality or quantity of surface and groundwater in Elbow Lake, the Clearwater River, or the Blackfoot River from the selection of the action alternative. Upon reclamation, the berms would be deconstructed, and the site would be blended to the surrounding topography. Reclamation would ensure the proper drainage of storm water and would not impact ground water or surface water quality or quantity. The proponent must comply with all laws relating to water such as the federal Clean Water Act and the Montana Clean Water act. Although it is not anticipated, if storm water were to discharge from the site, a storm water discharge permit from the Water Protection Bureau of the Montana DEQ must be obtained by the proponent.

Secondary Impacts: There are no secondary impacts expected to surface or ground water quality or quantity resulting from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to surface or ground water quality or quantity from the selection of the action alternative.

Duration: Any impacts would be expected to be short-term and last for the life of the mine until final reclamation occurs.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- If gasoline, oil, or other forms of liquids are stored on site, they must be contained within primary and secondary impermeable containment, in which the primary containment is bear proof and in which the secondary containment is able to contain the entire volume of the hazardous liquid. For example, a 55-gallon drum of gasoline must also be stored in an HDPE container or similar methods.
- All equipment utilized in mining must be regularly maintained and inspected to ensure it is not leaking fluids, spreading noxious weeds or creating an undue fire hazard.
- The topography, mining plan and berms of the pit would be constructed to promote precipitation retention within the site boundaries. Berms would be constructed and maintained by the proponent to retain water.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

Issues and Concerns

- Dust created from mining and crushing may pollute the air in the project area. Dust may be a hazardous substance that could affect the human respiratory system.
- Emissions from an asphalt plant may pollute the air.
- Emissions from trucks and other gravel mining machinery may pollute the air.
- The associated smell from the asphalt plant may impact cabin site lessees, cabin owners, and individuals recreating on the tract.

Current Conditions

Currently the only significant emissions sources in the project area are from vehicles travelling on Montana Highway 83 and other adjacent roads, as well as emissions from heating homes and other buildings in the greater Seeley area. Fugitive dust from vehicle travel on Elbow Loop Road also contributes small amounts of airborne particulate in the area. Although intermittent and irregular, fire activity can have a significant effect on air quality in the project area. Depending upon the location, number, and severity of fires, the air in the project area can become unhealthy for certain groups up to all individuals during fire season. The Department is also evaluating a proposed forest project on the west side of Elbow Lake. Dust from truck traffic travelling along the forest roads may also impact cabin site lessees, private landowners and recreationists on the tract.

Alternatives

No-Action Alternative:
Direct Impacts: The proponent would not be granted a permit to mine aggregate on section 20 T15N-R14W. To complete the scheduled highway project and provide the necessary material, the proponent would utilize a separate source located near Brown's Lake, East of Ovando, MT. This is approximately a 48-mile greater round-trip from the pit to the road reconstruction project when compared to the Elbow Lake source. According to the Environmental Defense Fund's website, the average freight truck in the U.S. emits 161.8 grams of CO2 per ton-mile. The road project would utilize 110,000 tons of material. Each gravel truck can transport 25 tons per load. By dividing the total tons needed by 25 tons/load, it is found the project would utilize 4400 truckloads to complete the work. The difference in distance between the action and no-action alternatives is 48 miles/load. Multiplying 48 miles/load by 4400 loads, it is found the no-action alternative would require approximately 211,200 additional truck-miles than the action alternative. By multiplying the emissions factor of 161.8 grams of CO2 per ton-mile by 211,200 miles, and a 32.5-ton average (45 tons total loaded, 20 tons unloaded), it is found that an estimated 1.1 billion grams or 1,110 metric tons of additional CO2 would be emitted by selecting the No Action Alternative. Furthermore, it should be noted that the numbers described above only pertain to a single reconstruction project in the area occurring in 2023, additional emission savings may also be achieved by the utilization of the action alternative's site for future projects.

Impacts to the overall air quality in the area resulting from selection of the no-action alternative are expected to be short-term and minor.

Action Alternative:
Direct Impacts: Fugitive dust may be generated from mining activities such as digging, crushing, transporting, and screening. Revegetation of soil stockpiles and water spraying can be utilized for dust abatement and should be considered as a mitigation. Emissions from an asphalt plant would occur when it is being utilized on site. However, this is expected to be intermittent and would not operate continuously. Emissions from mining equipment and trucks is also expected to occur. When analyzing air quality impacts, it is important to consider the strength and direction of wind. While wind typically can blow in all directions, a tool known as a wind rose shows how often and how strong wind blows from different directions at a certain location. Wind rose data from a site located at the Clearwater junction is included in this document on page 29 as Attachment G, which is incorporated herein by reference. The data is from June 29, 2021 to Jan 6, 2023. As shown on the wind rose, the prevailing wind direction for the area is from the west to the east. It is also important to note that the site is calm, which means less than 2.0 mph winds, 36% of the time. By utilizing the wind rose, it can be determined that most of the fugitive dust, asphalt plant emissions(smell) and equipment emissions would be blowing away from Elbow Lake and the cabin sites. Other factors such as topography and surrounding vegetation would further mitigate air quality impacts to cabin site owners or lessees. The proponent would be required to comply with all laws relating to air, such as the Federal Clean Air Act, National Ambient Air Quality Standards and the Clean Air Act of Montana. Impacts to air quality resulting from the selection of the action alternative are expected to be intermittent, negligible, and short-term.

Secondary Impacts: Secondary impacts to air quality are expected to be negligible. Trucks hauling gravel offsite could have negligible impacts to air quality along the haul route. These impacts would be expected to be short-term.

Cumulative Impacts: If the proposed forest project, west of Elbow Lake is authorized, there may be minor and short-term cumulative impacts to air quality for cabin site lessees, private landowners and recreationists on the tract in the form of dust from truck traffic.

Duration: Impacts to air quality are expected to be short-term and last for the life of the mine.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- LHC would utilize a water truck on an as needed basis to mitigate fugitive dust.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

Issues and Concerns

- Trees would be cleared from within the boundaries of the project area if the action alternative is selected.
- The project area contains noxious and invasive weeds, mostly spotted knapweed. The disruption and distribution of material from this pit could spread noxious weeds.
- Proper reclamation requires the retention of topsoil and overburden. If topsoil is not conserved, proper reclamation cannot be obtained.
- A fire could be sparked from mining activities.

Current Conditions

The proposed pit area within section 20 is comprised of conifer-dominated forest and woodland, consisting of Douglas-fir and ponderosa pine. Grasses in the project area are of the Montane Grassland system and are comprised of perennial bunch grasses and forbs, dominated by rough fescue.

An inventory search of the Montana Natural Heritage Program's vegetative species of concern database yielded no vegetation species of concern within the project area.

The search yielded several noxious weeds observed within a half-mile of the project area. Common St. John's-Wort, Purple Loosestrife, Ventenata, Yellow Toadflax, Yellowflag Iris, Spotted Knapweed, and Common Hound's-tongue were observed. During testing operation, Trust Lands staff observed a significant Knapweed presence in the project area.

Alternatives

***No Action Alternative*:**
Direct Impacts: The no action alternative would not disturb vegetation in the project area. Vegetation composition and health would not be affected by mining, as there would be no disturbance under the no action alternative.

***Action Alternative*:**
Direct Impacts: Vegetation in the active mine area would be stripped, stockpiled, and stored for reclamation along with topsoil. Some trees may need to be harvested for mining operations. There are noxious weeds within the site boundaries and disturbance of soils could increase the severity and facilitate propagation from the site. The proponent should develop a weed management plan with the unit office and trust lands weed coordinator. Upon reclamation, soil would be replaced upon disturbed areas and would be replanted with a native range mixture approved by the Department. Opencut mining introduces a potential ignition source for wildfires. The proponent should keep extinguishers present on site and ensure that equipment is properly maintained. Impacts to vegetation cover, quantity and quality are expected to be minor and short-term.

Secondary Impacts: Secondary impacts may occur in the form of noxious weed propagation from the site. The proponent should develop a written weed management plan with the unit and trust lands weed coordinator to be incorporated into the permit. Weed impacts can be mitigated to negligible with proper efforts.

Cumulative Impacts: There are short-term, negligible cumulative impacts expected to vegetation cover quantity and quality from the selection of the action alternative.

Duration: The duration of impacts to vegetation cover, quantity and quality are expected to be short-term and last the length of the permit.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- All trees harvested under the action alternative would be managed by the Clearwater Unit Office. The proponent would coordinate the harvesting, transporting and potential sale of any harvested timber with the Clearwater Unit Office.
- A weed management plan would be developed by the proponent in conjunction with the Clearwater Unit Office and the trust lands weed coordinator.
- Upon reclamation, the proponent will apply a Clearwater Unit Office approved seed mix.
- The Clearwater Unit office would consult Montana FWP staff to consider seed mixes that are consistent with other restoration within the Blackfoot-Clearwater Watershed.
- Fire extinguishers shall be kept on site during mining activities. Damages from a fire started by a proponent are the sole responsibility of the proponent.

---

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:
Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

Issues and Concerns

- The area is a travel corridor for wildlife species.
- The proposal may affect wildlife travel patterns and may create a strain upon animals traveling through the site.
- The site may affect wintering herds of elk and deer.
- Impacts to water may affect fish and other aquatic species.
- Connectivity between the game range and nearby lands may be disrupted.

Current Conditions

Terrestrial Wildlife Resources

The project area could be used by a variety of terrestrial and avian wildlife, including white-tailed deer, mule deer, elk, black bears, coyotes, foxes, mountain lions, raptors, rodents, songbirds, waterfowl, and sandhill cranes, among others. Generally, many of these species are fairly common in the region. The project area serves as deer and elk winter range and non-winter use by deer, elk, and moose is possible. The general vicinity is known to support considerable concentrations of wintering big game that aggregate on the winter range from a fairly large area in the upper Clearwater drainage. The adjacent Blackfoot Clearwater Wildlife Management Area is managed by FWP to provide winter range for mule deer, white-tailed deer, and nearly 1,000 elk. Proximity to Highway 83, numerous residences, and other forms of human disturbance have likely altered the usefulness of the project area by big game.

The project area likely contributes to wildlife movements in the area. A variety of wildlife may pass through the project area as part of their seasonal migratory travel between the uplands on the Blackfoot Clearwater Wildlife Management Area and the Rattlesnake Mountains areas in the Belmont, Blanchard, and Gold Creek drainages to the west. Meanwhile, other individuals may use the project area for daily movements in the vicinity, potentially to and from the river and/or during north/south movements within their home ranges. MDOT wildlife-vehicle collision data in the vicinity includes mostly white-tailed deer, but also an occasional elk and or mule deer. FWP data on collared elk in the vicinity show some moderate levels of elk crossing highway 83 in the vicinity, but higher concentrations of elk crossings occurred further south of the project area. As indicated earlier, disturbance in the vicinity, including the effects of Highway 83, numerous residences, various recreational activities, and other forms of human disturbance has altered the ability of the area to be used for wildlife movements either seasonally or more frequent and perhaps even daily movements. Given the disturbance levels and general hiding cover levels in the project area, many wildlife species have likely altered how they use the project area and likely use the area at times when human presence and disturbance is reduced or minimal (such as at night).

Alternatives

No Action Alternative: Direct, Secondary, and Cumulative Effects

No further potential for disturbance to the suite of wildlife species using the project area would be anticipated. No further habitat-altering land uses would occur with this alternative, thus no changes to the existing habitats or levels of use by any of the existing wildlife species would be anticipated. Existing levels of human disturbance would not appreciably change. No direct, secondary, or cumulative effects to the suite of wildlife found in the project area would be anticipated since: 1) no appreciable changes to existing habitats would occur; 2) human disturbance levels would not be anticipated to change; and 3) no changes in wildlife use would be expected to occur.

Action Alternative: Direct, Secondary, and Cumulative Effects

Proposed activities could temporarily disturb and/or displace wildlife in the vicinity for several years while activities would be occurring. The effect of this disturbance would vary by the species and/or individual. Overall, individuals of several species could be displaced during proposed activities, but no appreciable population level changes to any species using the area would be anticipated. Generally, other suitable habitat for displaced individuals exists in the vicinity. The proposed activities would not be occurring year-round, and any disturbance associated with this alternative generally would be intermittent. During inactive times, no appreciable disturbance to wildlife would be anticipated. Following proposed reclamation, human disturbance levels would revert to levels similar to current conditions.

Proposed vegetation removal would occur on a relatively small amount (~20 acres) of the project area and would not appreciably alter winter range habitat attributes. Minor amounts of trees would be removed that are largely too small to provide thermal cover and/or snow intercept for big game species. Slight reductions of potential forage could occur in a small portion of the project area and larger winter ranges would be anticipated; proposed reclamation would return these areas to potential foraging habitats following proposed activities. A site-appropriate seed mix would be used to revegetate following proposed activities. Overall, no changes in carrying capacity of the winter range would be anticipated.

Slight increases in sight distance could alter the way wildlife move across the project area. During proposed activities, these movements would likely be displaced and shifted to surrounding areas; proposed activities would not prohibit wildlife from moving across Highway 83 and between habitat components. Both wildlife traffic collision data and wildlife telemetry monitoring data indicate that wildlife are crossing the highway throughout the area. Proposed activities would likely divert wildlife use from the project area into some of these other areas. Some use by wildlife moving through the area would be expected during periods when activities are not occurring such as nighttime and quiet periods when activities are shut down. Reduced gravel hauling distances could also reduce potential wildlife-vehicle collisions elsewhere along the haul route from the existing gravel source. Following proposed activities, the project area may again be useful in connecting these areas and facilitating wildlife movements albeit with slightly less cover than present. Overall, no long-term changes in the viability of this area to facilitate wildlife movements would be anticipated. Generally, moderate direct, secondary, or cumulative effects to native wildlife in the project area and overall ability of the project area to facilitate wildlife movements would be anticipated since: 1) minor amounts of grassland and trace amounts of forested habitats would be temporarily removed in an area where other suitable habitats are present; 2) human disturbance levels would be further elevated in an area that already has high disturbance levels caused by Highway 83 and numerous residences but would be relatively short-lived and would revert to levels similar to present following proposed activities; and 3) some short-term decreases in use of the project area would be anticipated, but no appreciable at the scale of the cumulative effects analysis area would be anticipated, and overall wildlife use of the project area and cumulative effects analysis area would not appreciably change in the long-term.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- The proponent and its employees would not be authorized to camp or carry firearms within the boundaries of the permitted area.
- The site would be kept clear of debris, garbage or food.
- Petroleum products and other attractants must be stored in a secure manner.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:
Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

Issues and Concerns

- The area provides a travel corridor and habitat for several species of concern. The proposed action would have impacts upon sensitive or protected species.

Current Conditions

Terrestrial Wildlife Resources

The project area is a mix of semi-open ponderosa pine and Douglas-fir forested stands that are intermixed with non-forested areas of grass and shrubs. Existing disturbance to wildlife is likely relatively high given the proximity to open roads, Highway 83, human residences, timber management, and various forms of summer and winter recreation. Potential habitats for Canada lynx and Yellow-Billed Cuckoos do not exist in the vicinity of the proposed activity, thus no direct, secondary, or cumulative effects to Canada lynx or Yellow-Billed Cuckoos would be anticipated. The proposed project area is 9 miles south of the NCDE Recovery Zone and is within "occupied habitat" area as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger 2002). Proximity to human residences, Highway 83, other human developments, and the general lack of cover in portions of the project area likely limits habitat quality in the project area for grizzly bears. Overall extensive use of the project area is not likely and any use would be expected to be quick and likely occur at times when human disturbance is minimal (such as at night).

Potential flammulated owl habitats are present in the project area. The project area is in the home ranges associated with the Clearwater Junction and Salmon Outlet bald eagle territories. Potential habitat for flammulated owls, fringed myotis, and hoary bats could exist in the project area. Other potential sensitive species that could be in the vicinity include golden eagles, common loons, black swift, long-billed curlews, trumpeter swans, and western toads. Habitats for other sensitive species are either not present or would not be affected by the proposed activities.

Alternatives

No Action Alternative: Direct, Secondary, and Cumulative Effects

No further potential for disturbance to threatened, endangered, or sensitive wildlife would be anticipated. No further habitat-altering land uses would occur with this alternative, thus no changes to the existing habitats or levels of use by any of the terrestrial threatened, endangered, or sensitive wildlife species would be anticipated. Existing levels of human disturbance would not appreciably change. No direct, secondary, or cumulative effects to terrestrial threatened, endangered, or sensitive wildlife species would be anticipated since: 1) no appreciable changes to existing habitats would occur; 2) human disturbance levels would not be anticipated to change; and 3) no changes in wildlife use would be expected to occur.

Action Alternative: Direct, Secondary, and Cumulative Effects

Elevated disturbance levels associated with proposed activities could cause some short-term shifts in use and/or avoidance of portions of the project area. Following proposed activities, use would be expected to revert to levels similar to existing levels. Proposed activities would largely occur in a portion of the non-forested types near Highway 83; some removal of scattered sawtimber trees along with a few densely stocked areas of pole timber and sapling trees would also occur, which could alter some hiding cover and/or foraging habitats. Overall, a slight loss of vegetative cover would be anticipated that could alter how some threatened, endangered, and sensitive wildlife species use the project area (see Wildlife Table 1). Several species considered rely on the riparian and aquatic environments associated with Elbow Lake and the Clearwater River, such as common loons, black swifts, trumpeter swans. Since proposed activities would be more than 1/4 mile from these waterbodies and would be screened from the waterbodies by forested habitats, over minimal effects to these species using the aquatic habitats would be anticipated. No changes in legal motorized public access would

occur in the project area. Contract stipulations would minimize the presence of human-related attractants for the duration of the proposed activities. Generally, minor or negligible direct, secondary, or cumulative effects to terrestrial threatened, endangered, or sensitive wildlife species would be anticipated since: 1) minor amounts of habitats would be altered; 2) human disturbance levels would be further elevated in an area that already has high disturbance levels caused by Highway 83 and numerous residences but would be relatively short-lived and would revert to levels similar to present following proposed activities; and 3) some shifts in use of the project area and cumulative effects analysis area would be likely, but overall wildlife use of the project area and cumulative effects analysis area would not appreciably change.

WILDLIFE Table 1

CHECKLIST FOR ENDANGERED, THREATENED AND SENSITIVE SPEICES
SOUTHWESTERN LAND OFFICE
Elbow Lake Aggregate Take and Remove Project

Threatened and Endangered Species	[Y/N] Potential Impacts and Mitigation Measures N = Not Present or No Impact is Likely to Occur Y = Impacts May Occur (Explain Below)
THREATENED AND ENDANGERED SPECIES	
Grizzly bear (*Ursus arctos*) Habitat: Recovery areas, security from human activity	[Y] The proposed project area is 9 miles south of the Northern Continental Divide Ecosystem (NCDE) Recovery Zone and is within "occupied habitat" area as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger 2002). Proximity to human residences, Highway 83, other human developments, and the general lack of cover in portions of the project area likely limits habitat quality in the project area for grizzly bears. Overall extensive use of the project area is not likely and any use would be expected to be quick and likely occur at times when human disturbance is minimal (such as at night). Any disturbance associated with the proposed activities would be additive to other disturbances in the vicinity, including Highway 83, numerous residences, and various other forms of human disturbance. Some losses of hiding cover in a rather small area would be possible with the vegetation removal, however given the existing habitats, levels of human disturbance, small area, anticipated timing of grizzly bear use of the project area, and availability of other suitable habitats in the vicinity, this would not be expected to appreciably alter grizzly bear use of the vicinity. Thus, a short-term, minor risk of adverse direct, secondary, or cumulative effects to grizzly bears would be anticipated with the proposed activities.
Canada lynx (*Felis lynx*) Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	[N] No lynx habitats occur in the project area. Thus, no direct, secondary, or cumulative effects would be anticipated to lynx.
Yellow-Billed Cuckoo (*Coccyzus americanus)* Habitat: Deciduous forest stands of 25 acres or more with dense understories and in Montana these areas are generally found in large river bottoms	[N] No suitable deciduous riparian habitats are in the project area. Thus, no direct, secondary, or cumulative effects to yellow-billed cuckoos would be expected to occur as a result of either alternative.

DNRC Sensitive Species	[Y/N] Potential Impacts and Mitigation Measures N = Not Present or No Impact is Likely to Occur Y = Impacts May Occur (Explain Below)
Bald eagle (*Haliaeetus leucocephalus*) Habitat: Late-successional forest more than 1 mile from open water	[Y] The project area is roughly 1.3 miles north of the Clearwater Junction bald eagle territory and 1.5 miles south of the Salmon Outlet bald eagle territory. Bald eagle use of the project area would likely be focused on the western portions where mature forested habitats are in close proximity to Elbow Lake and the Clearwater River; overall more limited use of the eastern portions would be anticipated except for some possible foraging forays seeking carrion, small mammals, or upland birds. Proposed activities could occur during the bald eagle nesting season or the non-nesting season. Minor disturbance to bald eagles could occur for any activities conducted during the nesting period. Conversely, no disturbance to nesting bald eagles would be anticipated should those activities be conducted during the non-nesting period; however some slight disturbance to wintering bald eagles in the vicinity could occur. Overall, given the habitats present, distance from the nests, and proximity to Highway 83 and other forms of human disturbance in the vicinity, little use of the project area by bald eagles would be anticipated and any potential disturbance would not appreciably alter bald eagle use of the home ranges. Generally, proposed activities would occur in the more open habitats away from the riparian features and away from the portions that are more likely to receive any use by bald eagles. Negligible reductions in the availability of large snags or emergent trees that could be used as nest or perch trees would occur in the home range. No changes to human access to the home ranges would occur, thereby limiting potential for introducing additional human disturbance to the territory. However, proposed activities could introduce additional noise and disturbance within the home ranges, which would be additive to existing disturbances. This could alter bald eagle use of the project area, but would not be expected to alter home range occupancy. Thus, a short-term, minor risk of adverse direct, secondary, or cumulative effects to bald eagles would be anticipated with the proposed activities.
Black-backed woodpecker (*Picoides arcticus*) Habitat: Mature to old burned or beetle-infested forest	[N] No recently (less than 5 years) burned areas are in the project area. Thus, no direct, secondary, or cumulative effects to black-backed woodpeckers would be expected to occur as a result of either alternative.
Fisher (*Martes pennanti*) Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	[N] No suitable fisher cover types exist in the project area. Given the lack of habitat, the limited area, the proximity to human developments, and the surrounding landscape, no direct, secondary, or cumulative effects to fisher would be anticipated.

Flammulated owl (*Otus flammeolus*) Habitat: Late-successional ponderosa pine and Douglas-fir forest	[Y] Some potential flammulated owl habitats exists in the project area, largely in those forested stands in the western portion of the project area. Additionally, some foraging may occur at the ecotone between the mature stands of ponderosa pine and more open grasslands in the project area. Flammulated owls can be tolerant of human disturbance (McCallum 1994), however the elevated disturbance levels associated with proposed activities could negatively affect flammulated owls should activities occur when flammulated owls are present. Proposed removal of scattered sawtimber trees along with a few densely stocked areas of pole timber and sapling trees likely resulting from recent fire exclusion would occur. However, these areas are generally too dense for extensive flammulated owl foraging and are too young to be used for nesting. Overall, the proposed removal of trees and grassland habitats under this proposed could affect a portion of a nesting territory for 1 pair of flammulated owls. Generally, considerable other nesting and foraging habitats would persist in the project area and cumulative effects analysis area. Additionally, once the site is reclaimed, some potential use for foraging habitats could again return to this portion of the project area. Thus, a short term, minor risk of adverse direct, secondary, or cumulative effects to flammulated owls would be anticipated.
Fringed myotis (*Myotis thysanodes*) Habitat: low elevation ponderosa pine, Douglas-fir and riparian forest with diverse roost sites including outcrops, caves, mines	[Y] Fringed myotis are year-round residents of Montana that use a variety of habitats, including deserts, shrublands, sagebrush-grasslands, and forested habitats. They overwinter in caves, mines, crevices, or human structures. Fringed myotis forage near the ground or near vegetation. No known caves, mines, crevices, or other structures used for roosting occur in the project area or immediate vicinity. Fringed myotis have not been documented in the vicinity, but the presence of ponderosa pine and Douglas-fir in the project area that is close to the riparian areas associated with the Clearwater River could make the project area suitable for fringed myotis. Proposed activities could disturb fringed myotis should they be in the area. Changes in vegetation structural attributes could change overall prey availability in this small area, but considerable foraging habitats would persist in the project and cumulative effects analysis areas. Overall, no appreciable changes to fringed myotis use of the project area or cumulative effects analysis areas would be anticipated. Thus, a short term, negligible risk of direct, secondary, or cumulative effects to fringed myotis would be anticipated.
Hoary bat (*Lasiurus cinereus*) Habitat: coniferous and deciduous forests and roost on foliage in trees, under bark, in snags, bridges	[Y] Hoary bats are summer residents (June-September) across a variety of forested habitats in Montana. Hoary bats frequently forage over water sources near forested habitats. Hoary bats are generally thought to roost alone in, primarily in trees, but will use also use caves, other nests, and human structures. Some use by hoary bats would be possible due to the proximity to the Clearwater River, which is likely used for foraging. Some individual trees and few snags in the project area could be used for roosting. No known caves or other structures used for roosting occur in the project area or immediate vicinity. Hoary bats have been documented in the vicinity. Proposed activities could disturb hoary bats should they be in the area. Loss of potential roosting habitats could occur, but overall few trees would be removed, and considerable amounts of forested habitats would persist in the project area and cumulative effects analysis area. No changes in foraging habitats would be anticipated. Overall, no appreciable changes to hoary bat use of the project area or cumulative effects analysis areas would be anticipated. Thus, a short term, negligible risk of adverse direct, secondary, or cumulative effects to hoary bats would be anticipated.

Peregrine falcon (*Falco peregrinus*) Habitat: Cliff features near open foraging areas and/or wetlands	[N] No preferred cliff features suitable for use by peregrine falcons occur in the project area. Thus, no direct, secondary, or cumulative effects to peregrine falcons would be expected to occur as a result of either alternative.
Pileated woodpecker (*Dryocopus pileatus*) Habitat: Late-successional ponderosa pine and larch-fir forest	[N] While some potential pileated woodpecker habitats exist in the overall project area (largely in the lower elevations associated with the Clearwater River), no habitats exist in the vicinity of the proposed activities. Thus, no direct, secondary, or cumulative effects to pileated woodpeckers would be expected to occur as a result of either alternative.
Townsend's big-eared bat (*Plecotus townsendii*) Habitat: Caves, caverns, old mines	[N] DNRC is unaware of any mines or caves within the project area or close vicinity that would be suitable for use by Townsend's big-eared bats. Thus, no direct, secondary or cumulative effects to Townsend's big-eared bats would be expected to occur as a result of either alternative.
Wolverine (*Gulo gulo*) Habitat: Alpine tundra and high-elevation boreal forests, areas with persistent spring snow.	[N] Generally wolverines are found in sparsely inhabited remote areas near tree line characterized by cool to cold temperatures year-round and rather deep and persistent snow well into the spring (Copeland et al. 2010). The availability and distribution of food is likely the primary factor in the large home range sizes of wolverines (Banci 1994). The project area is generally below the elevations where wolverines tend to be located. No areas of deep persistent spring snow occur in the project area. Individual animals could occasionally use lands in the project area while dispersing or possibly foraging, and they could be displaced by project-related disturbance if they are in the area during proposed activities. However, given their large home range sizes (~150 sq. mi. -- Hornocker and Hash 1981), and way they use a broad range of forested and non-forested habitats, the proposed activities would have negligible influence on wolverines. Thus, negligible short-term risk of direct, secondary, or cumulative effects to wolverines would be anticipated.
Golden Eagle (*Aquila chrysaetos*) Habitat: Wide range of habitats associated with mountains, valleys, prairies, including woodlands, grasslands, shrublands and rangelands. Nest in cliffs or large trees.	[Y] Since there are no suitable cliffs in the project area, any potential nesting would have to occur in large trees. However golden eagles could use the project area for foraging and the project area likely provides a diversity of prey species, including rodents, small mammals, numerous avian species, and carrion. Golden eagles have been documented in the vicinity, largely being identified as wintering or transient eagles with limited evidence of breeding use. Proposed activities could disturb golden eagles should they be in the area, however elevated disturbance associated with Highway 83, numerous residences, and a variety of other human disturbances in the vicinity likely already limit use of the project area. Proposed vegetation removal could alter a small amount of potential foraging habitats while also removing potential perch trees, but given their large home ranges, these losses would have negligible effects of a pair of golden eagles should they even be in the vicinity. Thus, a short term, negligible risk of adverse direct, secondary, or cumulative effects to golden eagles would be anticipated.

Common Loon *(Gavia immer)* Habitat: Cold mountain lakes, nest in emergent vegetation	[Y] Common loons have been repeatedly documented on Elbow Lake, although largely as transient observations and limited evidence of breeding. Proposed activities would be more than 1/4 mile from these waterbodies and would be screened from the waterbodies by forested habitats, thus minimal or no disturbance to nesting or foraging habitats would be anticipated. Proposed vegetation removal would not be expected to affect common loons. Thus, a short term, negligible risk of adverse direct, secondary, or cumulative effects to common loons would be anticipated.
Harlequin Duck *(Histrionicus histrionicus)* Habitat: White-water streams, boulder and cobble substrates	[N] No suitable high-gradient stream or river habitats occur in the project area. No direct, indirect or cumulative effects to harlequin ducks would be expected to occur as a result of either alternative.
Mountain Plover (*Charadrius montanus*) Habitat: short-grass prairie & prairie dog towns	[N] No prairie dog colonies or other shortgrass prairie habitats occur in the project area. Thus, no direct, indirect, or cumulative effects to mountain plovers would be anticipated to occur as a result of either alternative.
Northern Bog Lemming *(Synaptomys borealis)* Habitat: Sphagnum meadows, bogs, fens with thick moss mats	[N] No suitable sphagnum bogs or fens occur in the project area. Thus, no direct, indirect, or cumulative effects to northern bog lemmings would be expected to occur as a result of either alternative.
Townsend' Big-Eared Bat *(Plecotus townsendii)* Habitat: Caves, caverns, old mines	[N] No suitable caves or mine tunnels are known to occur in the project area or vicinity. Thus, no direct, indirect or cumulative effects to Townsend's big-eared bats would be anticipated as a result of either alternative.
Black Swift (*Cypseloides niger*) Habitat: Nests on ledges or shallow caves on steep rockfaces behind waterfalls, forage over open bodies of water.	[Y] No suitable nesting substrates exist in the project area. Potential foraging habitats likely exist on the Clearwater River and Elbow Lake. There was an observation of black swifts at Harpers Lake Fishing Access in the past. Proposed activities would be more than 1/4 mile from these waterbodies and would be screened from the waterbodies by forested habitats, thus minimal or no disturbance to foraging habitats would be anticipated. Proposed vegetation removal would not be expected to affect black swifts. Thus, a short term, negligible risk of adverse direct, secondary, or cumulative effects to black swifts would be anticipated.
Long-Billed Curlew (*Numenius americanus*) Habitat: Mixed grass prairie, moist meadows and short-statured grasslands.	[Y] Long-billed curlews generally use sparse short grass prairie, mixed grass prairie, and moist meadows while avoiding areas with trees or dense shrubs. Thus, some potential foraging and nesting habitats may exist in the project area and long-billed curlews have been documented in the vicinity. Proposed activities could disturb long-billed curlews should they be in the area. Proposed vegetational removal could reduce long-billed curlew habitats, that could affect 1 or 2 pairs of curlews. Long-term reductions in forested habitats on a small portion of the project area could improve long-billed curlew habitats in the future. Thus, a short term, minor risk of adverse direct, secondary, or cumulative effects to black swifts would be anticipated.
Trumpeter Swan (*Cygnus buccinator*) Habitat: Lakes, ponds, marshes with adequate vegetation to support nesting.	[Y] Potential nesting and foraging habitats may exist along the Clearwater River and Elbow Lake. Trumpeter Swans have been documented on the Clearwater River. Proposed activities would be more than 0.25 miles from these waterbodies and would be screened from the waterbodies by forested habitats, thus minimal or no disturbance would be anticipated. Proposed vegetation removal would not be expected to affect Trumpeter swans. Thus, a short term, negligible risk of adverse direct, secondary, or cumulative effects to Trumpeter swans would be anticipated.

Coeur d'Alene Salamander *(Plethodon idahoensis)* Habitat: Waterfall spray zones, talus near cascading streams	[N] No moist talus or streamside talus habitat occurs in the project area. Thus, no direct, indirect, or cumulative effects to Coeur d'Alene salamanders would be expected to occur as a result of either alternative.
Northern Leopard Frog (*Lothobates pipiens*) Habitat: Low elevation and valley bottom ponds, beaver ponds, reservoirs, lakes, creeks, potholes, and marshes.	[N] Leopard frogs appear to have all but disappeared from western Montana, with the closest known breeding population occurring near Kalispell. Proposed activities would be more than 0.25 miles from Elbow Lake and the Clearwater River and would be screened from the waterbodies by forested habitats, thus minimal or no disturbance would be anticipated. Proposed vegetation removal would not be expected to affect Northern leopard frogs. Thus, a no risk of adverse direct, secondary, or cumulative effects to Northern leopard frogs would be anticipated.
Western Toad (*Anaxyrus boreas*) Habitat: Ponds, potholes reservoirs, streams, marshes, lake shores, and wet meadows during breeding, and a variety of forested and non-forested habitats the remainder of the year.	[Y] Riparian habitats associated with Elbow Lake and the Clearwater River could be suitable Western Toad habitats and potential use of the uplands during the nonbreeding season could occur. Western Toads have been documented near Blanchard Lake. Proposed activities would be more than 0.25 miles from Elbow Lake and the Clearwater River and would be screened from the waterbodies by forested habitats, thus minimal or no disturbance would be anticipated. Proposed vegetation removal could alter non-breeding habitats for Western Toads should they be in the area, but considerable other habitats would be present in the project area and cumulative effects analysis area should they be in the vicinity. Thus, a short term, negligible risk of adverse direct, secondary, or cumulative effects to Northern leopard frogs would be anticipated.

Literature Cited:

Banci, V. 1994. Wolverine. Pp 99-127 in L. F. Ruggiero, K. B. Aubry, S. W. Buskirk, L. J. Lyon, and W. J. Zielinksi, editors. The scientific basis for conserving forest carnivores: American marten, fisher, lynx, and wolverine in the western United States. USDA Forest Service Rocky Mountain Forest and Range Experiment Station, General Tech. Report RM-254, Fort Collins, Colorado, USA.

Copeland, J. P., K.S. McKelvey, K.B. Aubry, A. Landa, J. Persson, R.M. Inman, J. Krebs, E. Lofroth, H. Golden, J.R. Squires, A. Magoun, M.K. Schwartz, J. Wilmot, C.L. Copeland, R.E. Yates, I. Kojola, and R. May. 2010. The bioclimatic envelope of the wolverine (Gulo gulo): do climatic constraints limit its geographic distribution? Can. J. Zool. 88: 233-246.

Hornocker, M. and H. Hash. 1981. Ecology of the wolverine in northwestern Montana. Journal of Wildlife Management 44(3):1286-1301.

McCallum, D. A. 1994. Review of technical knowledge: flammulated owls. Pages 14-46 *in* G. D. Hayward and J. Verner, tech eds. Flammulated, boreal, and great gray owls in the United States: a technical conservation assessment. USDA Forest Service Gen. Tech. Rep. RM-253. Fort Collins, Colorado.

U.S. Fish and Wildlife Service. 1993. Grizzly Bear Recovery Plan, revised. U. S. Fish and Wildlife Service, University of Montana, Missoula MT. 181pp.

Wittinger, W.T. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum on file at USDA Forest Service, Region 1. Missoula, Montana.2pp.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

Issues and Concerns

- The stripping and stockpiling of material may disturb cultural resources present in the area.

Current Conditions

A Class III cultural and paleontological resources inventory was conducted of the area of potential effect on state land. Despite a detailed examination, no cultural or fossil resources were identified and no additional archaeological or paleontological investigative work is recommended. Both the Confederated Salish-Kootenai Tribe and Blackfeet Tribe were sent scoping letters, and neither of the tribes responded with comment.

Alternatives

No Action Alternative:

Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. There would be no impacts to cultural resources expected from the selection of the action alternative.

Action Alternative:

Direct Impacts: The selection of the action alternative would have no impact to antiquities as defined under the Montana State Antiquities Act. A formal report of findings has been prepared and is on file with the DNRC and the Montana State Historic Preservation Officer.

However, if previously unknown cultural or paleontological materials are identified during project related activities, all work would cease until a professional assessment of such resources can be made.

Secondary Impacts: There are no secondary impacts expected resulting from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to historical and archeological sites from the selection of the action alternative.

Duration: No impacts are anticipated, therefore the duration of impacts is not applicable.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

Issues and Concerns

- Gravel Mining may leave the area visibly, permanently scarred.
- Noise may impact cabin site lessees, cabin site owners, and individuals recreating on the tract.
- Individuals attending the cemetery may be disturbed by noise or visual impacts from the pit.
- Light from gravel mining operations may impact cabin site lessees, private landowners, and other individuals recreating on the tract.

Current Conditions

The project area is currently comprised of vegetation as described in section 7 of this document; it is a meadow. The project area is directly adjacent to Montana Highway 83. Traffic travelling on highway 83 has significant impacts upon the aesthetics in the project area. Traffic travelling along the highway can be seen and heard from nearly all points within the project area.

Private land owners and cabin site lessees exist along edges of Elbow Lake. The nearest cabin is approximately 1200 feet away from the western boundary of the project area. Within that distance, the elevation drops approximately 70 feet. There is also considerable vegetation between the proposed site and cabins in the form of conifer trees.

A cemetery is located approximately 650 feet north of the northern boundaries of the site.

Alternatives

***No Action Alternative*:**
Direct Impacts: The proponent's application would be denied. The aesthetics in the project area would remain unchanged. If the no action alternative were selected, there would be approximately 211,200 additional truck miles to haul gravel to the site as compared to the action alternative. Increases to heavy truck traffic and the associated noise and visual impacts would be realized by motorists, recreationists, and residents proximate to the haul route. The impacts to aesthetics from the no-action would be short-term and minor.

***Action Alternative*:**
Direct Impacts: The pit would not be visible from Elbow Lake, or the cabin sites along the lake. The pit would be visible for motorists traveling upon Montana Highway 83 for approximately 1000 feet of the route. With the construction of berms, it is expected that the site would not be visible from the cemetery. The site would not use artificial light and the pit would be limited to daytime hours of operation. Some dust and asphalt emissions may be visible during operations. Upon reclamation the site would be returned to a slope no steeper than 3:1 and revegetated. Visual impacts from the selection of the action alternative would be expected to be minor and short-term.

Attachments H and I on pages 30 and 31, show the typical construction equipment noise levels and typical sound levels measured in various environments. Attachments H and I are incorporated herein by reference. By utilizing the information from the tables, the noise level of mining activity at the nearest cabin site (1200 ft from boundary) would be somewhere between 50-55 decibels. This is considered to be moderate noise and is comparative to that of an office. The tables do not consider variables such as topography, vegetation, or wind. There is a significant elevation change and trees between the project area and the cabins. Also, the prevailing wind in the area blows west to east. These factors are expected to further dampen noise heard from the cabin sites. The actual noise levels at the Elbow Lake cabin sites are expected to be less than those suggested from the table. Recreationists and wildlife in the area may be impacted by sound depending upon their proximity and direction from the project area. Noise from the selection of action alternative may also impact those visiting the cemetery. However, it is expected that the noise from traffic travelling upon Highway 83 would be largest contributing factor of noise at the cemetery. Overall, the selection of the action alternative would be expected to have moderate noise impacts to the surrounding environment. Those impacts are expected to be intermittent, based upon use, and short-term.

Secondary Impacts: There are no secondary impacts to aesthetics expected from the selection of the action alternative.

Cumulative Impacts: If the proposed forest project, west of Elbow Lake is authorized, there may be minor and short-term cumulative impacts to aesthetics for cabin site lessees, private landowners and recreationists on the tract in the form of dust and noise.

Duration: The duration of aesthetic impacts is expected to be short-term and last for the life of the project. Noise impacts are expected to be intermittent and occur when the pit is in operation.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- The pit may only operate during daytime hours.

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

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

Current Conditions

The Elbow Lake tract contains cabin site lessees and private cabin owners. As stated in section 5, there are 26 groundwater wells in the project area. These wells utilize fresh groundwater as residential use.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. There would be no impact on environmental resources of Land, Water, Air or Energy resulting from the selection of the No Action Alternative.

Action Alternative:
Direct Impacts: The selection of the action alternative would not impact limited resources of land, water, air or energy. The project area would utilize approximately 21 acres of Trust Land that has been historically utilized as pasture/rangeland and as a site for small bee colony authorized under a land use license. Water and air have been properly analyzed in the corresponding sections of this document. Energy in the form of diesel fuel and labor is readily available in the area and is not limited. The selection of the action alternative is not expected to have any unusual demand upon land, water, air or energy. No impacts are expected from the selection of the action alternative.

Secondary Impacts: There are no secondary impacts expected to land, water, air or energy expected from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to land, water, air or energy from the selection of the action alternative.

Duration: There are no impacts expected, therefore the duration of impacts is not applicable.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

Issues and Concerns

- Gravel Mining and asphalt production may impact cabin site lessees and private landowners on the tract.
- Mine traffic may conflict with private access road agreements entered by the Department and private citizens.
- Gravel Mining and asphalt production would force the bee colony to relocate.

Current Conditions

The Elbow Lake tract contains State Trust Lands' cabin site leases and private inholdings that were sold by State Trust Lands. There are associated private access road agreements between the Department and private landowners. There is also an active forest grazing license, two land use licenses, and an outfitting rec. use license on the tract. The project area is directly adjacent to Montana FWP's Clearwater Game Range. MDT has planned a large highway reconstruction project less than two miles from the project area for the Summer of 2023. The proponent has secured a DEQ dryland opencut permit. DEQ made their decision to issue a permit in accordance with Montana law by constructing their own Environmental Assessment.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would not impact lessees, licensees, or road agreement holders. The no action alternative would impact the highway reconstruction project. By travelling an additional total of 211,200 miles, the reconstruction project would be more susceptible to delays and a longer overall project period. More detailed impacts to certain resources are listed under the no action alternative of each section.

Action Alternative:
Direct Impacts: The Montana DEQ has evaluated the project area for a dryland opencut mining permit. The DEQ issued their environmental analysis on April 27, 2023 and selected to issue the dryland opencut mining permit. There are several projects occurring on or near this tract, which are described in the current conditions for this resource section. The grazing licensee for this tract would realize a loss of approximately 21 total acres of grazing ground from the selection of the action alternative. The licensee would be entitled to actual monetary damages of their license paid by the proponent. The permitted pit acreage would be subtracted from the grazing license total acreage in subsequent years. The action alternative would have positive impacts to the highway reconstruction project. The Department also has a land use license agreement for a bee colony on the tract. If the action alternative were selected, the bee colony would have to be moved out of the project area and placed somewhere else upon the tract. Finally, the Department has several agreements and leases for cabin sites on this section. Impacts to cabin site lessees and private landowners have been described within other resource sections of this document, impacts to private land values are evaluated in section 21. Mine traffic would not utilize the Elbow Loop Road, so road agreements and cabin traffic on Elbow Loop road is not expected to be impacted. Overall, the impacts to other studies, plans and projects on this tract are expected to be short-term and minor.

Secondary Impacts: There are no secondary impacts to other plans or projects on the tract expected from the selection of the action alternative.

Cumulative Impacts: Cumulative impacts to aesthetics and air quality for cabin site lessees, private landowners and recreationists from the proposed forest project are included within the respective section of each resource.

Duration: The duration of impacts is expected to be short-term and last for the life of the project.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Issues and Concerns

- Gravel mining dust may be harmful to the human respiratory system.
- Emissions from an asphalt plant may affect the human senses.
- The clearwater junction, of highways 200 and 83 is one of the busiest intersections in Montana. The introduction of large gravel trucks could have impacts on human health and safety.
- Groundwater and surface water may be polluted by gravel mining activity, which would result in risks to human health and safety.
- Truck traffic on Elbow Loop Road may be hazardous for cabin site lessees, private landowners, and recreationists on the tract.

Current Conditions

The largest current risk to human health or safety on the tract is posed by Highway 83. Highway 83 is a heavily traveled, two-lane Montana Highway. Normal traffic risks associated with two-lane Montana highways are present.

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would add approximately 211,200 miles of additional truck traffic along highways 200 and 83. The entirety of the haul route from near Brown's Lake to the project is comprised of a two-lane highway with speed limits set at a maximum of 70 mph. Gravel trucks traveling this distance would have considerable impacts on traffic patterns and associated risk to human health. Slower moving trucks could present scenarios in which the public may try to pass unnecessarily and dangerously. At high speeds, on two-lane highways, this could increase the potential for serious injuries or death in an accident. Having a source closer to a reconstruction project with a properly permitted approach reduces potential traffic and human health impacts to motorists. The selection of the no action alternative may also create longer haul routes for future reconstruction projects and would have similar impacts as described. The impact to human health and safety from the selection of the no-action alternative is expected to be short-term and moderate.

Action Alternative:
Direct Impacts: Impacts to human health as it relates to air quality and water quality are expected to be short-term and negligible from the selection of the action alternative. Impacts to air quality and water quality are evaluated in their respective resource sections of this document. The proponent plans to apply for an approach permit to enter and exit the site directly onto Highway 83. If the action alternative is selected the impacts of the approach would be evaluated in further detail by the Montana Department of Transportation. The proponent does not plan to utilize the Elbow Lake Loop Road for pit traffic. This should reduce potential conflict between heavy equipment and cabin site owners and lessees. The amount of traffic entering and exiting the site would be dependent upon use. Trucks entering Highway 83 and getting up to speed, would impact traffic in the area. The proponent should construct trucks entering signs in both directions from the site along Highway 83 if the action alternative is selected. Overall, the impacts to human health and safety from the selection of the action alternative are expected to be short-term, intermittent, and moderate.

Secondary Impacts: There are no secondary impacts expected to human health or safety from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to human health and safety from the selection of the action alternative.

Duration: The impacts from the selection of the action alternative are expected to be short-term and last for the life of the project.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- The proponent shall construct warning or truck entering signs on both sides of the permitted approach. If signage is required as part of an issued MDT approach permit, this stipulation shall be void.

---

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:
Identify how the project would add to or alter these activities.

Issues and Concerns

Current Conditions

The project area is a largely rural environment and industrial activities are mostly non-present. Commercial activities in the area are mostly driven by tourism. Outdoor recreation is a large component of the tourist attraction in the area and consists of hiking, fishing, hunting and other activities. Another commercial activity present in the area is logging. Agriculture activities in the area are mostly limited to the grazing of cattle.

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would have negligible impacts to industrial, commercial, and agricultural activities.

Action Alternative:
Direct Impacts: As described in resource section 13 of this document, there is a current grazing license held by Montana FWP encompassing the proposed project area. The grazing license is utilized for wildlife forage. If the action alternative were selected, the project area would not be utilized for grazing. This would decrease the available forage in the area, but it would be minor. Commercial and industrial activities could benefit from the utilization of the pit. In all commercial and industrial activities, transportation of products or services is essential. The reconstruction and maintenance of roads and other infrastructure in the area is vital to the success of any commercial or industrial activities, including tourism. Overall, the impact to industrial, commercial and agriculture activities from the selection of the action alternative is expected to be short-term and minor.

Secondary Impacts: The selection of the action alternative is expected to have no secondary impacts to industrial, commercial, and agriculture activities in the area.

Cumulative Impacts: There are no cumulative impacts expected to industrial, commercial, and agriculture activities from the selection of the action alternative.

Duration: Impacts from the selection of the action alternative are expected to be short-term and last for the life of the project.

---

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:
Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

Current Conditions

The population centers nearest to the project are Greenough and Seeley Lake Montana. Many of the jobs in the project area are either related to tourism, the service industry, or natural resources.

***No Action Alternative*:**
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The No Action Alternative would have no impact upon the quantity or distribution of employment.

Action Alternative:
Direct Impacts: The selection of the action alternative is expected to have no impact to the quantity and distribution of employment in the area.

Secondary Impacts: The selection of the action alternative is expected to have no secondary impacts to the quantity and distribution of employment in the area.

Cumulative Impacts: There are no cumulative impacts expected to quantity and distribution of employment from the selection of the action alternative.

Duration: No impacts were identified from the selection of the action alternative to quantity and distribution of employment, therefore duration is not applicable.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

Current Conditions

The State of Montana and United States Government currently collects taxes in two primary ways, income tax and property tax. These funds are used for a variety of programs and public services. One of which is the construction, maintenance, and management of critical infrastructure such as roads, bridges, schools, and hospitals.

No Action Alternative:

Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. There is no impact expected to the local or state tax base from the implementation of the action alternative.

Action Alternative:

Direct Impacts: The selection of the action alternative would have no impact upon the local or state tax base.

Secondary Impacts: The selection of the action alternative would have no secondary impacts to local and state tax bases.

Cumulative Impacts: There are no cumulative impacts expected to local and state tax bases from the selection of the action alternative.

Duration: Any impact to the local and state tax base is expected to be short-term and last for the life of the project.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

Issues and Concerns

- Both alternatives are likely to impact traffic.

Current Conditions

Currently, highways 83 and 200 are mostly two-lanes with speed limits up to 70 mph. Traffic along these highways increases during the summer months and on weekends from non-local sources. Fire protection, police and schools are all present in Seeley Lake, Montana which is approximately 11 miles from the project area. The Ovando, Greenough-Potomac, and Seeley Lake Volunteer Fire Department have jurisdiction and respond to emergencies along the no-action haul route as well as at the action alternative site depending upon location and availability.

Alternatives

No Action Alternative:

Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. As previously mentioned in this analysis the no action alternative would include a longer haul route and significant extra miles to complete the road reconstruction project. Traffic would be impacted along the haul route in both lanes for approximately 25 miles of highways 200 and 83. The area likely to be impacted the greatest, would be the Highway 83 and Highway 200 junction, also known as the Clearwater Junction. This junction can be very busy during summer months and the addition of 4400 truckloads of gravel may create conflict that would be avoided by the utilization of the action alternative. Increased potential conflict offers increased potential of emergency service uses. The no action alternative would have moderate to major impacts on traffic and could have minor to moderate impacts to emergency services in the greater Seeley Lake, Ovando and Greenough areas.

Action Alternative:

Direct Impacts: The action alternative would impact traffic traveling upon Highway 83. An approach permit would need to be applied for from the Montana Department of Transportation. The approach permit would evaluate the sight distances in either direction of the approach. Trucks would be entering traffic along Highway 83 at a much slower pace than the typical flow of traffic. This could lead to potential conflict between motorists and pit traffic. Mitigations such as trucks entering signs and possible traffic control during the Salmon Lake project should be considered. Overall, traffic and emergency service impacts are expected to be minor to moderate from the selection of the action alternative when the pit is in use. During times when the pit is not being utilized, there would be no impact to government services.

Secondary Impacts: No secondary impacts are expected to government services from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to government services from the selection of the action alternative.

Duration: The duration of the impacts to government services are expected to be short-term and intermittent based upon use. The impact is expected to last for the life of the project.

Mitigations

The potential selection of the action alternative would include the following stipulations in the aggregate permit:

- For the Salmon Lake Road reconstruction project, the proponent shall consider extending traffic control to the permitted approach.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Issues and Concerns

- The project site is directly adjacent to the Blackfoot-Clearwater Wildlife Management Area.
- The project site is located in a Resource Protection 1 area by Missoula County.

Current Conditions

The site is not zoned, which was confirmed by Missoula County in the DEQ opencut application process. However, in a comment received by the Missoula County Commissioners, it was stated "The proposed activities are also located in an area designated as Resource Protection 1, which has the "highest values for biodiversity, fish and wildlife habitat, forest production, recreation, wetlands and other resources" in the Seeley Lake Regional Plan, adopted by the Missoula County Board of County Commissioners in 2010."

Additionally, the project area is adjacent to Montana FWP's Blackfoot-Clearwater Wildlife Management Area (BCWMA). The BCWMA is just east of the project area across Highway 83. The BCWMA provides critical wildlife habitat, including winter range for mule and white-tail deer and a herd of 800-1000 Elk. FWP was scoped for the project and provided comment, which can be found in Appendix A.

No Action Alternative:

Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would have no impact to environmental plans or goals.

Action Alternative:

Direct Impacts: The project area is not zoned. The selection of the action alternative may have negligible to minor impacts upon locally adopted environmental plans and goals of Missoula County and the Blackfoot Clearwater Wildlife Management Area.

Secondary Impacts: The selection of the action alternative is not expected to have any secondary impacts upon locally adopted environmental plans and goals.

Cumulative Impacts: There are no cumulative impacts expected to locally adopted environmental plans or goals from the selection of the action alternative.

Duration: Any impacts to locally adopted environmental plans and goals would be short-term and intermittent based on use.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

Issues and Concerns

- Cabin site lessees and private landowners, licensees, as well as members of the public recreate on this tract. This includes fishing, hiking, swimming, and wildlife viewing. A gravel operation may disrupt these activities.

Current Conditions

The site does not include nor provide access to wilderness areas. The site is on Montana State Trust Land, which is accessible to public recreation through the purchasing of a conservation license or a state lands

recreational use license depending upon the recreational activity. Cabin site lessees and private landowners, licensees and other members of the public utilize the tract and nearby Elbow Lake to fish, hike, swim, observe wildlife and otherwise recreate.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would have no impact to the access to and quality of recreational and wilderness activities in the area.

Action Alternative:
Direct Impacts: The action alternative would temporarily eliminate approximately 21 acres of Trust Lands to recreational activities. The public would not be allowed to recreate upon lands contained within the permitted area. The action alternative would have minor impacts to access and quality of recreation in the area. The public may utilize adjacent lands that are open to public recreation. The tract does not offer access to wilderness activities so there would be no impacts to access or quality of wilderness activities. Upon reclamation, the public can return to the project area to recreate. Recreation on Trust Lands is considered a secondary use and is not the primary purpose of the lands.

Secondary Impacts: There are either no or negligible secondary impacts to recreation expected resulting from the selection of the action alternative.

Cumulative Impacts: There are no cumulative impacts expected to the access to and quality of recreational and wilderness activities from the selection of the action alternative.

Duration: Impacts to recreational activities are expected to be short-term and last for the life of the pit until final reclamation.

---

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:
Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

Issues and Concerns

- The existence and operation of a gravel pit may affect property prices for cabin site owners proximate to the project area.

Current Conditions

The nearest towns to the project area are Greenough and Seeley Lake. There are cabin sites along Elbow Lake, the nearest of which is approximately 1200 feet from the permit boundary. These cabins are mostly used seasonally and are not primary residences.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would have no impact to the density and distribution of population and housing.

Action Alternative:
Direct Impacts: One of the concerns communicated to the Department through scoping was that adjacent property values would decrease from the selection of the action alternative. The comments related potential impacts to other resources as the reasoning for the decrease. These included water, air, aesthetic, and recreational impacts. As evaluated in the corresponding resource sections, impacts to water, air, aesthetics, and recreation are expected to be either moderate, minor or negligible and short-term. Other considerations that may impact property value are scarcity of housing in the area and water frontage. The selection of the action

alternative may or may not have an impact upon adjacent private land values. Any impact from the selection of the action alternative to property values is expected to be negligible to minor, and short-term.

Secondary Impacts: The selection of the action alternative is expected to have no secondary impacts to the density and distribution of population and housing.

Cumulative Impacts: There are no cumulative impacts expected to density and distribution of population and housing from the selection of the action alternative.

Duration: Impacts to density or distribution of housing are expected to be short-term and would last for the life of the pit.

---

22. SOCIAL STRUCTURES AND MORES:
Identify potential disruption of native or traditional lifestyles or communities.

Current Conditions

While the area is considered to be aboriginal to multiple tribes, currently, there is no native or traditional lifestyles or communities near the project area. The nearest native communities exist upon the Confederated Salish and Kootenai Tribes (CSKT) Reservation, which is over 30 miles away from the site.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would have no impact to social structures.

Action Alternative:
Direct Impacts: A scoping letter was sent to the CSKT and Blackfeet Tribes, and no response was received by the Department. The project area is also over 30 miles from the nearest native community. It is expected that the selection of the action alternative would have no impacts to the social structures.

Secondary Impacts: The selection of the action alternative would have no secondary impacts to social structures.

Cumulative Impacts: There are no cumulative impacts expected to social structures from the selection of the action alternative.

Duration: There are no anticipated impacts to social structures, therefore the duration of impacts is not applicable.

---

23. CULTURAL UNIQUENESS AND DIVERSITY:
How would the action affect any unique quality of the area?

Current Conditions

The project area is located in a rural portion of Western Montana, where recreation and tourism are two of the main economic industries. As with much of Western Montana, there are abundant public lands in the area, and opportunity for recreation. The project area does not have unique qualities when compared to much of Montana.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied, and mining would not occur in the project area. The no action alternative would have no impact to the cultural uniqueness and diversity of the area.

Action Alternative:
Direct Impacts: The selection of the action alternative is expected to have no impacts to the cultural uniqueness and diversity of the project area.

Secondary Impacts: The selection of the action alternative is expected to have no secondary impacts to the cultural uniqueness and diversity of the project area.

Cumulative Impacts: There are no cumulative impacts expected to cultural uniqueness from the selection of the action alternative.

Duration: No impacts are anticipated from the selection of the action alternative. Therefore, the duration of impacts is not applicable.

---

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:
Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

Alternatives

No Action Alternative:
Direct Impacts: The proponent's application would be denied and mining would not occur in the project area. The gravel source that would be utilized for the no action alternative is not on State of Montana School Trust Lands. The Trust would not receive gravel royalty payments or any other form of compensation, if the no action alternative is selected.

Action Alternative:
Direct Impacts: The selection of the action alternative would generate significant revenue for the Pine Hills School Trust. The initial Salmon Lake Road Reconstruction project calls for approximately 110,000 tons of material or approximately 75,000 cubic yards. Assuming a $2.50/yard royalty, the Salmon Lake Reconstruction project would generate approximately $187,500 for the Trust. Subsequent projects utilizing the pit would also generate revenue for Pine Hills. It is estimated that the project area contains between 300,000 and 500,000 cubic yards of recoverable aggregate reserves, depending upon average depth of mining and reject percentages. The project area could generate a total of $750,000-$1,250,000 for the Pine Hills School Trust.

Secondary Impacts: Gravel royalties, much like other mineral royalties are non-distributable. This means that all royalty money generated from gravel is placed into an interest-bearing account for the appropriate Trust. The principal amount is never distributed, rather only the interest. This provides security and long-term financial support for the Trust. It is expected that revenue generated from the selection of the action alternative, would benefit the Pine Hills School into perpetuity.

Cumulative Impacts: The generation of revenue from the selection of the action alternative would be additive to the current balance of the permanent fund for the Pine Hills School Trust. The additional principal amount would generate a larger interest amount to be allocated and distributed to the Pine Hills School.

Duration: The economic impact to the Pine Hills School Trust, from the selection of the action alternative, would be long-term and perpetual.

EA Checklist Prepared By:	**Name:** Zack Winfield	**Date: 5/15/23**
	Title: Professional Engineer, MMB	

V. FINDING

25. ALTERNATIVE SELECTED:

After thorough review of the Elbow Lake Aggregate Take and Remove Permit Checklist Environmental Assessment (CEA), project file, and public scoping as well as all applicable rules, plans, and laws, the decision has been made to select the Action Alternative. The proposed action is the issuance of an aggregate take and remove permit, which would allow the proponent the ability to mine, crush, and remove gravel from State Trust Lands, along with the utilization of an asphalt plant.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The CEA addressed the identified potential resource issues through proposed mitigation measures which incorporate all the applicable rules, plans, guidelines, and laws.

This approach resulted in a project in which potential effects to several resources were expected to be negligible, minimal, minor, or low. These resources will not be discussed in further detail.

Others resulted in moderate expected effects. Specifically:

Terrestrial, Avian, and Aquatic Life and Habitats: Terrestrial Wildlife Resources - Moderate direct, secondary, or cumulative effects to native wildlife in the project area and overall ability of the project area to facilitate wildlife movements would be anticipated. The effects are expected to be temporary, short-lived, and short-term. Overall wildlife use of the project area and cumulative effects analysis area would not appreciably change in the long-term.

Aesthetics: Noise - The selection of the action alternative would be expected to have moderate noise impacts to the surrounding environment. Those impacts are expected to be intermittent, based upon use, and short-term. Mitigations include limiting project area use to daylight hours. In addition, and as noted within the analysis, topography, vegetation, and wind are expected to further dampen noise.

Human Health and Safety: Traffic – The selection of the action alternative would be expected to have short-term, intermittent, and moderate impacts to traffic safety. Elbow Lake Loop Road will not be utilized for pit traffic, thus reducing conflict between pit use and cabin site owners, lessees, licensees, and recreationalists. Mitigations include an approach permit to enter and exit the pit directly onto Highway 83 and construction of trucks entering signs in both directions from the pit along Highway 83. The no-action alternative similarly would be expected to have moderate impacts to traffic safety, the action alternative is preferable due to the decreased haul distance and avoidance of Clearwater Junction.

Demand for Government Services: Traffic and Emergency Services - Impacts are expected to be minor to moderate from the selection of the action alternative when the pit is in use. Mitigations include construction of trucks entering signs in both directions from the pit along Highway 83 and possible traffic control during the Salmon Lake project. The no action alternative would have moderate to major impacts on traffic and could have minor to moderate impacts to emergency services. The action alternative is preferable due to the decreased haul distance and avoidance of Clearwater Junction.

Additional resource mitigations include:

- Berms that are constructed by topsoil and overburden, would be planted to mitigate erosion from moisture events and wind.
- If gasoline, oil, or other forms of liquids are stored on site, they must be contained within primary and secondary impermeable containment, in which the primary containment is bear proof and in which the secondary containment is able to contain the entire volume of the hazardous liquid. For example, a 55-gallon drum of gasoline must also be stored in an High Density Polyethylene (HDPE) container or similar methods.

- All equipment utilized in mining must be regularly maintained and inspected to ensure it is not leaking fluids, spreading noxious weeds or creating an undue fire hazard.
- The topography, mining plan and berms of the pit would be constructed to promote precipitation retention within the site boundaries. Berms would be constructed and maintained by the proponent to retain water.
- LHC would utilize a water truck on an as needed basis to mitigate fugitive dust.
- All trees harvested under the action alternative would be managed by the Clearwater Unit Office. The proponent would coordinate the harvesting, transporting and potential sale of any harvested timber with the Clearwater Unit Office.
- A weed management plan would be developed by the proponent in conjunction with the Clearwater Unit Office and the trust lands weed coordinator.
- Upon reclamation, the proponent will apply a Clearwater Unit Office approved seed mix.
- The Clearwater Unit office would consult Montana FWP staff to consider seed mixes that are consistent with other restoration within the Blackfoot-Clearwater Watershed.
- Fire extinguishers shall be kept on site during mining activities. Damages from a fire started by the proponent are the sole responsibility of the proponent.
- The proponent and its employees would not be authorized to camp or carry firearms within the boundaries of the permitted area.
- The site would be kept clear of debris, garbage or food.
- Petroleum products and other attractants must be stored in a secure manner.
- The pit may only operate during daytime hours.
- The proponent shall construct warning or truck entering signs on both sides of the permitted approach. If signage is required as part of an issued MDT approach permit, this stipulation shall void.
- For the Salmon Lake Road reconstruction project, the proponent shall consider extending traffic control to the permitted approach.

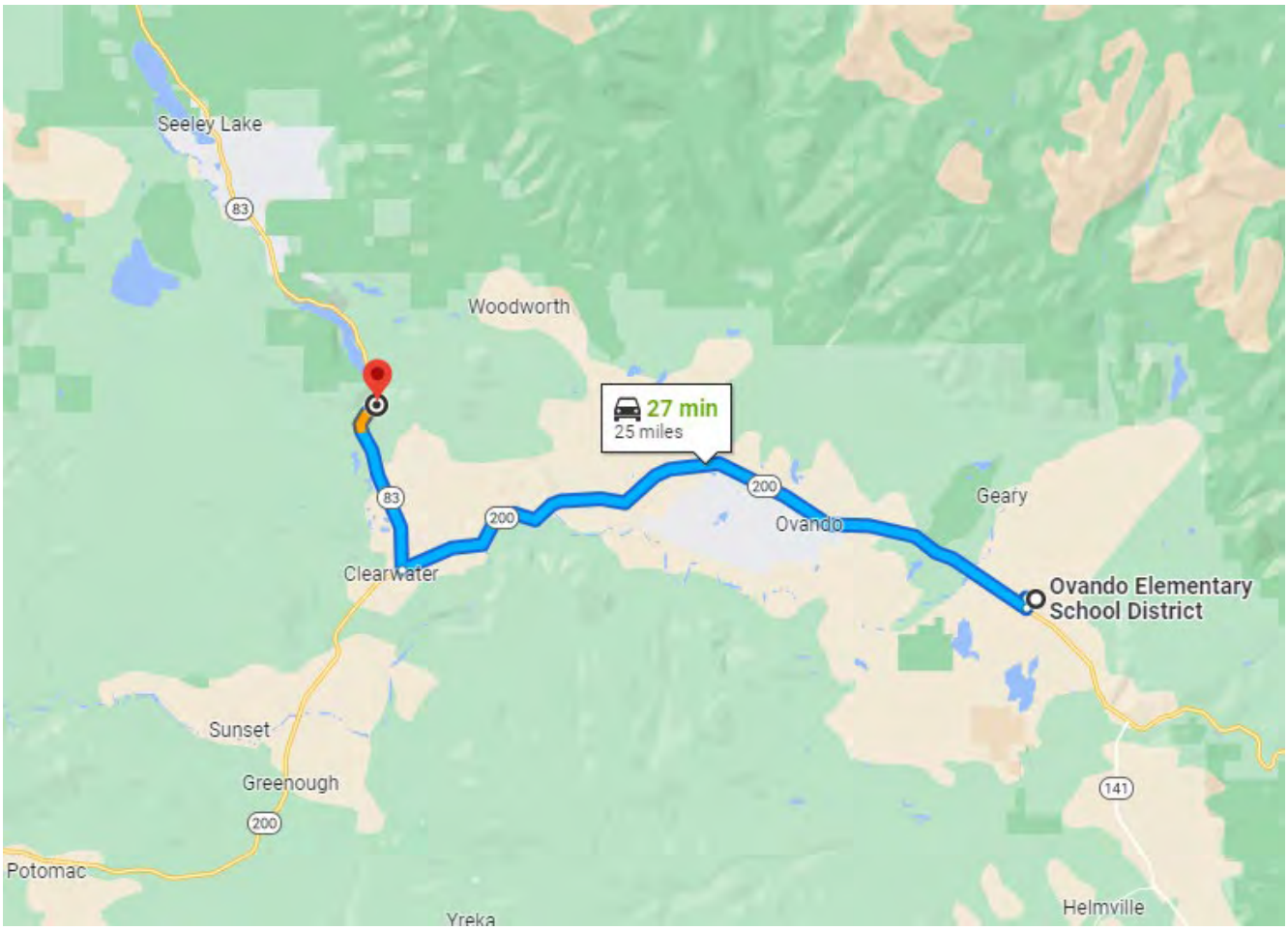
Given the expected effects; temporary, intermittent, and short-term nature of the anticipated use; mitigations; and overall project benefits including revenue generation for the Pine Hills Trust, no significant impacts are expected with the selection of the Action Alternative.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

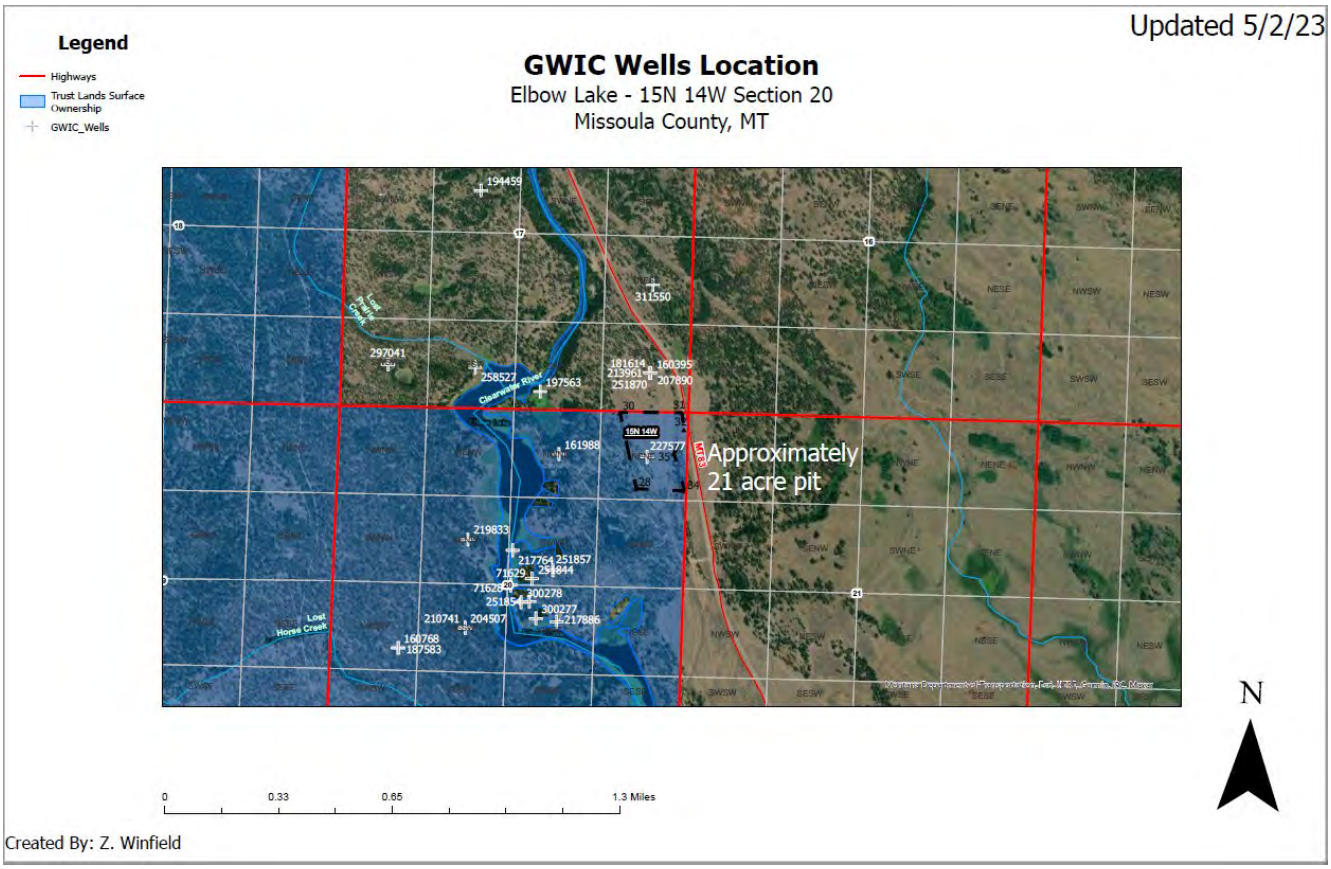
[ ]	EIS	[ ]	More Detailed EA	[X]	No Further Analysis

EA Checklist Approved By:	**Name:** Kristen Baker-Dickinson **Title:** Clearwater Unit Manager
Signature: K Baker-Dickinson	**Date**: 5/15/2023

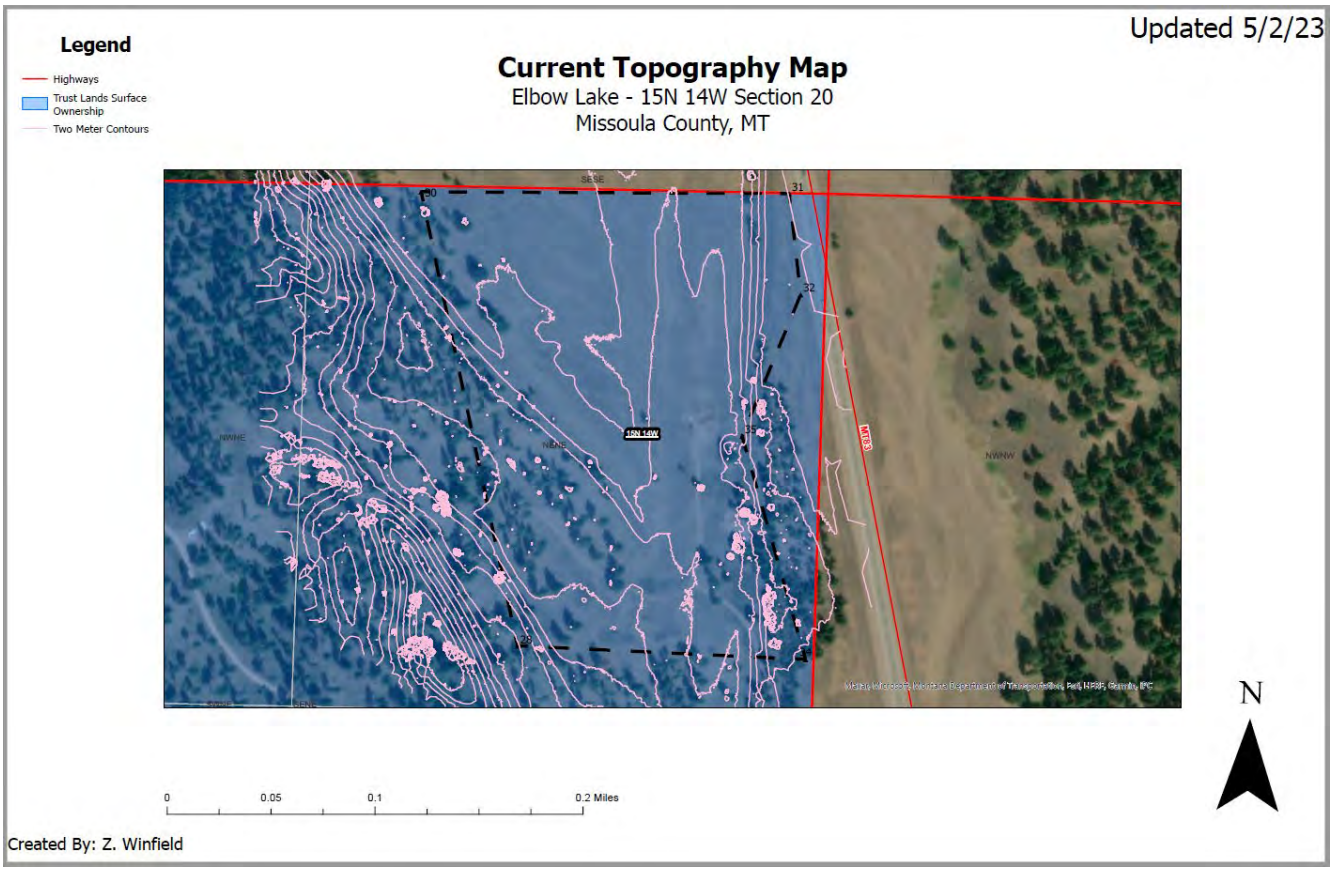
Attachment A: Haul Route of the No Action Alternative



Attachment B: GWIC Wells Location Map

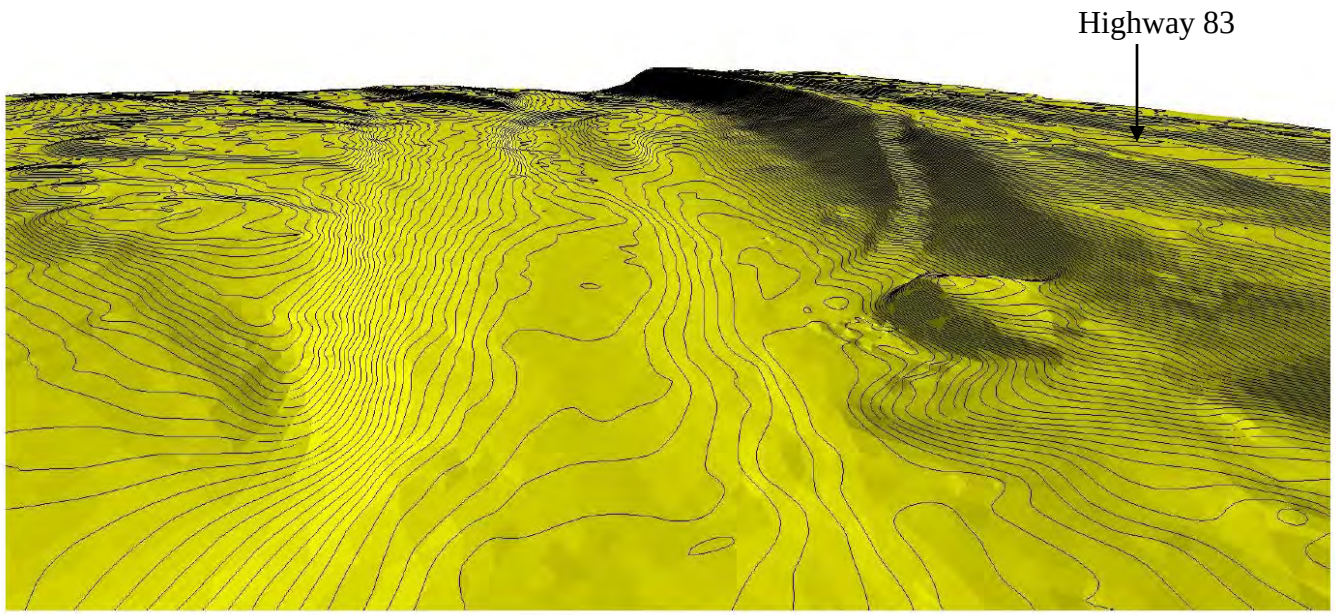


Attachment C: Current Topographic 2 Meter Contours

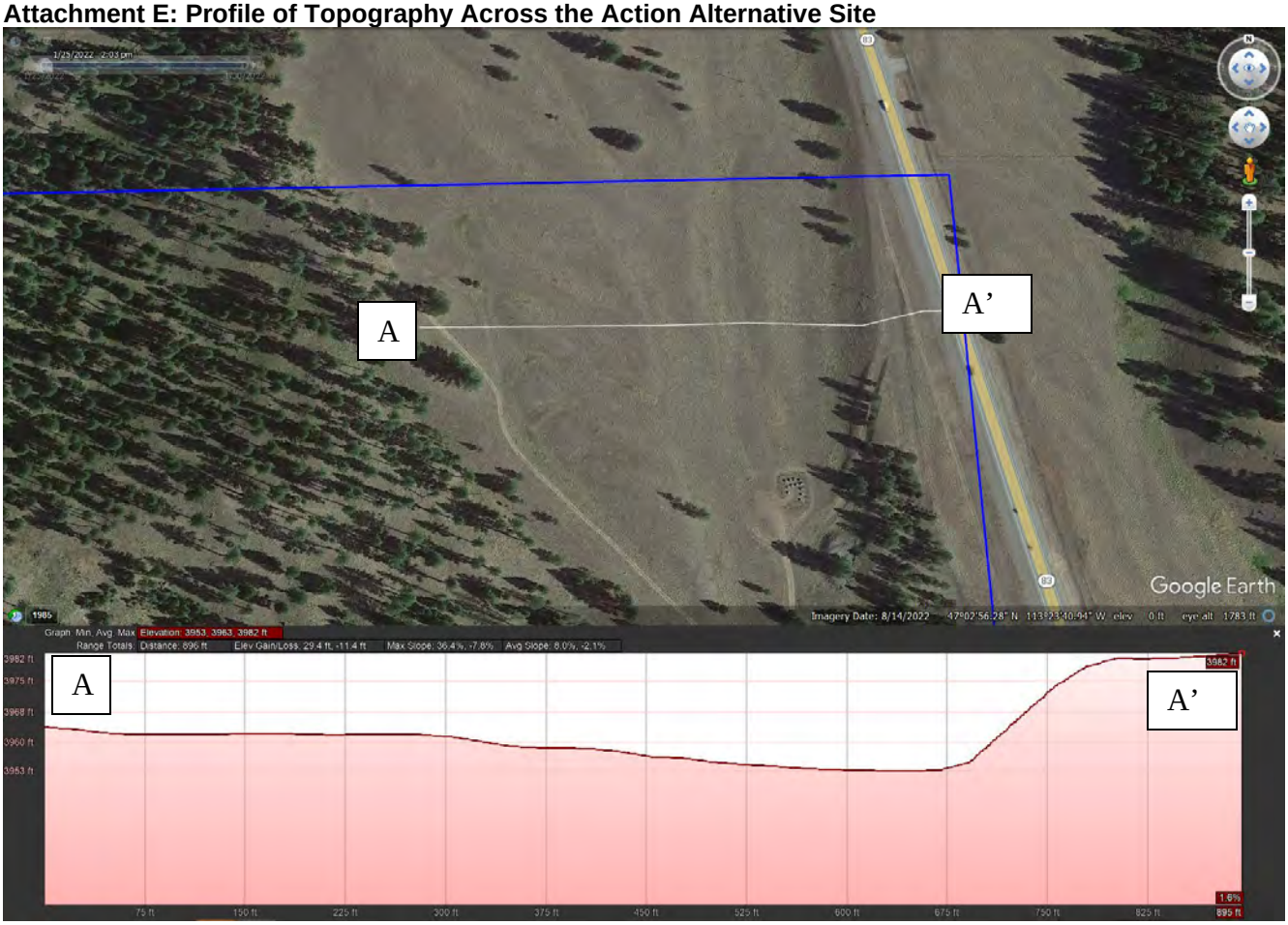


*Some tree cover was picked up in the department's drone flight and is shown in the contour.

Attachment D: 3D Representation of Project Area – Looking From Southern Boundary North, Bare Earth

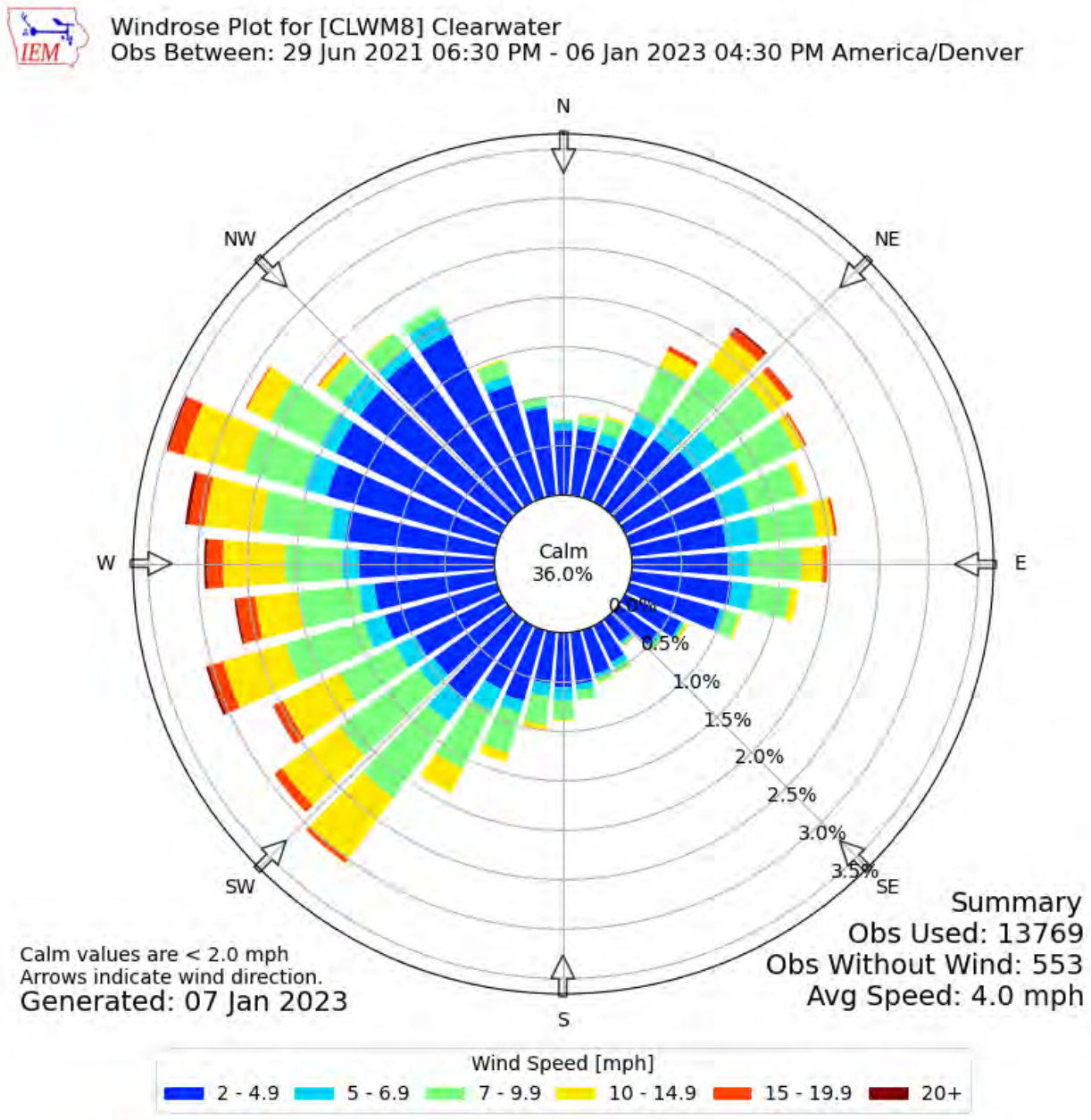


Attachment E: Profile of Topography Across the Action Alternative Site



Attachment F: Site Map, Submitted by LHC.

Attachment G: Wind Rose for Clearwater Junction – Iowa Environmental Mesonet, Iowa State University



Attachment H: Sound Emissions by Construction Equipment

Typical Construction Equipment Noise Levels						
Equipment Description	Acoustical Usage Factor (%)	Specified Lmax at 50 feet (dBA)	Specified Lmax at 100 feet (dBA)	Specified Lmax at 1,000 feet (dBA)	Specified Lmax at 2,000 feet (dBA)	Specified Lmax at 4,000 feet (dBA)
All Other Equipment > 5 horsepower	50	85	76	56	50	44
Auger Drill Rig	20	85	72	52	46	40
Backhoe	40	80	70	50	44	38
Crane	16	85	71	51	45	39
Dump Truck	40	84	74	54	48	42
Grader	40	85	75	55	49	43
Pickup Truck	40	55	45	25	19	13
Tractor	40	84	74	54	48	42

Notes: dBA = A-weighted decibels; Leq = equivalent sound pressure level Equation to calculate Lmax at 1,000, 2,000 and 4,000 feet is as follows: Leq(h) = Lmax + 10*log(A.U.F.) – 20*log(D/Do) where: Lmax = Maximum noise emission level of equipment based on work cycle at D/Do (decibel). A.U.F. = Acoustical usage factor, which accounts for the percent time that equipment is in use over the time period of interest (1 hour). D = Distance from the equipment to the receptor (feet). Do = Reference distance (generally, 50 feet) at which the Lmax was measured for the equipment of interest (feet). Source: FHA 2006

Source: PG&E Cressey-Gallo 115 kV Power Line Project Initial Study

Attachment I: Typical Sound Levels observed in various environments

Typical Sound Levels Measured in the Environment		
Examples of Common, Easily Recognized Sounds	Decibels (dBA, at 50 feet)	Subjective Evaluations
Near Jet Engine	140	Deafening
Threshold of Pain (Discomfort)	130	
Threshold of Feeling - Hard Rock Band	120	
Accelerating Motorcycle (at a few feet away)	110	
Loud Horn (at 10 feet away)	100	Very Loud
Noisy Urban Street	90	
Noisy Factory	85	
School Cafeteria with Untreated Surfaces	80	Loud
Near Freeway Auto Traffic	60	Moderate
Average Office	50	
Soft Radio Music in Apartment	40	Faint
Average Residence Without Stereo Playing	30	
Average Whisper	20	Very Faint
Rustle of Leaves in Wind	10	
Human Breathing	5	
Threshold of Audibility	0	
Note: Continuous exposure above 85 dBA is likely to degrade the hearing of most people. Range of speech is 50 to 70 dBA.		
Source: U.S. Department of Housing and Urban Development, The Noise Guidebook, 1985.		

Source: PG&E Cressey-Gallo 115 kV Power Line Project Initial Study

References

Iowa Environmental Mesonet, Iowa State University - https://mesonet.agron.iastate.edu/sites/windrose.phtml?network=MT_DCP&station=CLWM8

Montana Department of Environmental Quality Dryland Opencut EA – Clearwater State - https://fnds.mt.gov/DEQ/document?params=U2FsdGVkX1%2BU%2FTuSTsAu4uzQ%2BHUhmIgH7ie9RGAABY2Is0MdZBu2ewGUTHhsmiBB3A8MdEJ3OE%2BKd7d183o%2ByqhulcMJp0HKMRG%2FhQU7rDzNFEQ6L59%2FpV%2FkHSuxUuDS3I4w3gKNcfHeeJ3dX2R1Iw%3D%3D&callback=?

NRCS Web Soil Survey https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Ground Water Information Center Database. Retrieved from Ground Water Information Center: https://mbmggwic.mtech.edu

Geologic Map of Montana. Retrieved from Montana Bureau of Mines and Geology: https://mbmgmap.mtech.edu/server/rest/services/Geology/Geology500k/MapServer

PG&E Cressey Gallo 115kV powerline study project https://ia.cpuc.ca.gov/environment/info/aspen/cresseygallo/fmnd/5-12_noise.pdf

Dear DNRC,
My family has had a cabin at elbo lake since mid 1970's. Our for generation our family spend time on the Clearwater and Elbo lake year around. It with deep request to appose the gravel mine and asphalt plant at Elbow Lake. This project poses a significant threat to the environment and the wildlife that call this area home.
It is important to note that there are numerous existing gravel mines in the area already, and there is no need for additional mining operations. The negative impact of this project on the environment, including air and water quality, and the surrounding ecosystem far outweighs any potential benefits. This will leave a permanent scar on the land and be an eyesore for Elbow Lake Residents.
Furthermore, the exact area where this mine is being proposed is a major corridor for the movement of hundreds of species of animals, many of which are protected. Larger animals from Blanchard Creek area cross the shallow water at the mouth of Elbow Lake (which is the only major crossing spot for miles) and travel directly over the proposed mine site to get to game range to the East. The construction and operation of a gravel mine and asphalt plant in this area would have a devastating impact on these animals and their habitats. How are you not aware of this? Cars get backed up countless times during the summer to watch Grizzlies, Black Bears, Deer and Elk cross the road exactly adjacent to where the mine is slated to operate. Look at a map and ask yourself where would animals cross to get to the game range?
We cannot allow this project to proceed at the expense of our natural resources and the wildlife that depend on them.
I urge you to reject this proposed project and protect the environment and wildlife of Elbow Lake. Thank you for your attention to this important matter.

Curtis Anderson

My family and I are strongly against the proposed gravel pit/asphalt plant at the Elbow Lake location. We have a cabin on Elbow Lake. Our concerns are many, including: environmental impacts including the Blackfoot/Clearwater ecosystem, noise pollution, animal habitat and migration (main corridor for wildlife migration to and from the Blackfoot Clearwater Game Range), animals including grizzly bears/swans/loons/elk herds that winter on game range, scenic beauty and tourism would be negatively affected by this undesirable scar on our land. This proposal would affect fishing and recreating in this region in a negative way. There are many known and unknown health concerns related to gravel pits/asphalt plants. These include the release of harmful particulates called Crystalline Silica into the air. These particulates can be harmful to wildlife, children, seniors, and others . It is a known carcinogen. The planned area for this gravel pit is home to cabins, recreationists, tourists, native wildlife, homes, businesses, campgrounds and resorts. The negative impact on the land and it's inhabitants (human, animals, water ecosystems) far outweigh any benefits to the surrounding area now or in the future. Thank

you for listening to the people and not big companies. We don't have the deep pockets but we have the voices and care more for the land than the profits that can be sucked out of it.

Dustin Anderson

There are better sites, that are more suited to this. NO !

Toby Bedard

There are currently three gravel pits in the vicinity of this new proposed pit. One owned by the state of Montana. They are just north and south of the junction of Highway 83 and the Placid Lake Road. Why despoil a beautiful piece of state land near the cemetery, when other sources of gravel are readily available nearby?

Mike Biggins

"Please consider my comments and deep concerns in response to the aggregate take and remove permit by Frank Tabish for LHC, Inc. for the Elbow Lake gravel pit mining operation and asphalt plant.
I am gravely concerned by the proposed notion of a gravel pit and asphalt mining operation in this very location and strongly urge you to deny this application, out of respect for and in service of local residents, future generations, and the health of the critical and sensitive ecosystem communities of land, water and animals, which depend on the integrity and health of this critical watershed.
I urgently ask you to deny this permit, because gravel pit mining would pose imminent and long-term dangerous risks to the health of the communities in this watershed and sensitive wildlife corridor:
The proposed 21 acre site, would be located directly off the highway, adjacent, just immediately uphill (!) and within a mere 500 yards from a narrow stretch of the Blackfoot Clearwater River, flowing into Elbow Lake, on its way to the Blackfoot River. The site is directly off the highway, adjacent to the Blackfoot Clearwater Game Range, a critical wildlife area, which is home to many deer, elk, mountain, lions, black bear and grizzly bears, who regularly use this corridor to reach the nearby Clearwater River and Elbow Lake.
This section of the Clearwater River is a vital part of the Clearwater Watershed, known grizzly bear and critical bull trout habitat, lies at the junction of seasonal wildlife migration route of many, home to many wildlife communities, as well as a treasured home for a community of Montana part- and full-time residents, who cherish this pristine location.
An industrial gravel mining and asphalt operation at this very site would severely impact and endanger the safety of many species, as well as humans.
Particularly, I am very alarmed by the detrimental risks to

- Air quality – The emission of airborne toxins and particulate matter generated during asphalt production, would contribute to hazardous air quality in this corridor, toxic to humans and other animals residing close by, and pose great risks to respiratory health.
- Asphalt production is known to emit many, >20 toxic air and surface pollutants, posing significant risk to water quality and aquatic species.
- Water quality – The risk of water pollution is very high. Runoff of contaminants from the proposed location (the proposed pit is located in a swale) could leach into wetlands, including a freshwater pond; sediments and contaminants could transport to the wetlands, Clearwater River, and Elbow Lake, and leach into groundwater, due to high infiltration rates. Nearby residents of Elbow Lake rely on private wells to supply clean drinking water, and would have to fear potential contamination due to proposed operations.
- Noise – The noise level of proposed industrial asphalt production and mining operation threatens the quiet and poses great risk of disturbance to local, nearby residents, including wildlife and humans.

Considering the grave risks threatened by a newly established gravel pit at this particular site, posing hazardous risks to wildlife, wetlands, groundwater, Clearwater River and Elbow Lake, and to local residents who depend on clean water and healthy air – I beg you to deny this permit application!

There are other known sites already in the area (including existing gravel pits) that could be used to produce the gravel and asphalt needed for the project, which do not present the risks as posed by the proposed Elbow Lake gravel pit operation – the Elbow Lake gravel pit operation is not needed.

Sincerely, Britta Bloedorn

Britta Bloedorn

I am very concerned about the proposed permit approval pertaining to LHC Inc.'s application for an aggregate removal site and asphalt plant near Elbow lake (Section 20, T15N-R14W).

This area is a treasure of natural habitat for innumerable wildlife. The valley, and the area around the elk winter range just north of Clearwater Junction, is an important wildlife corridor. Besides the healthy elk and deer herds, the area around Elbow Lake and the Clearwater River is home to black and grizzly bear, mountain lion, otter, beaver, painted turtles, salemanders, and a variety of fish. Numerous species of birds nest and/or feed in the area including Canada geese, sandhill cranes, a multitude of ducks, ospery, bald eagles, red-tailed hawks, bluebirds, tree swallows, and bats. In years past, there were also common loons nesting on Elbow lake, but human impacts have negatively affected their presence.

The Seeley/Swan Valley is a wonderful natural treasure. Many people flock to the area because of its natural beauty and numerous outdoor recreation opportunities. This is something we need to hold on to. It is part of the value Montana has to offer the world. Destroying and/or

negatively impacting the natural treasure that the area around Elbow Lake is will adversely affect this wonderful treause.
Let's find a more suitable solution for supplying gravel to maintain our roads. There are existing gravel pits in the area. Besides the one mentioned near Brown's lake, there is a gravel pit near Clearwater Junction and near the Placid Lake turn off, or near the Double Arrow Lodge. Let's impact an already impacted area instead of negatively impacing an area that still offers good wildlife habitat, outdoor recreation opportunities and scenic beauty.

Carla Boehmler

This proposed project seems more negative than positive. There currently are 4 existing gravel pits within our area which could supply gravel materials for the Hwy 83 road project. I am also sure an existing asphalt plant is available nearby.
The problem is all this development (including living structures) is most definitely going to impact the wildlife corridors in and around the Game Range on the east side of Hwy 83.
Granted the proceeds from the gravel sales may eventually funnel to Pine Hills State Reform School in Miles City but it does not seem equable or fair to take a potential resource from our area and send it elsewhere?
Boiled down to its basics:
1) Adequate highway materials are already available from both existing state/county and privately operated gravel pits locally.
2) Wildlife corridors and habitat disruptions will occur and should not be permitted (How does Montana FWP feel about all of this, what has been their input?).
3) What have the Environmental Air Quality folks said about this project. Certainly there is going to be an impact on air quality.
4) Should not our local businesses (existing local gravel pits which are already permitted) be given first consideration for revenue?
For the above. reasons I am strongly am against the proposed gravel pit near Elbow Lake.

Steve Bowen

I am opposed to the proposed gravel pit by Elbow Lake. The proposed area is home to bees hives, as well as an abundant of wildlife that cross from the Clearwater game range to access water. The gravel pit will have a significant impact on reducing wildlife’s ability to safely and comfortably access water.
The reason provided as to why this gravel pit is needed is due to access. But, there are three existing gravel pits in the area; one on highway 200 and Blanchard Creek Rd. and another two on Highway 83 by double arrow road.

Jamie Breidenbach

I am writing to express my fierce opposition to the proposed gravel mine and asphalt plant at Elbow Lake. This project poses a significant threat to the environment and the wildlife that call this area home.
It is important to note that there are numerous existing gravel mines in the area already, and there is no need for additional mining operations. The negative impact of this project on the environment, including air and water quality, and the surrounding ecosystem far outweighs any potential benefits. This will leave a permanent scar on the land and be an eyesore for Elbow Lake Residents.
Furthermore, the exact area where this mine is being proposed is a major corridor for the movement of hundreds of species of animals, many of which are protected. Larger animals from Blanchard Creek area cross the shallow water at the mouth of Elbow Lake (which is the only major crossing spot for miles) and travel directly over the proposed mine site to get to game range to the East. The construction and operation of a gravel mine and asphalt plant in this area would have a devastating impact on these animals and their habitats. How are you not aware of this? Cars get backed up countless times during the summer to watch Grizzlies, Black Bears, Deer and Elk cross the road exactly adjacent to where the mine is slated to operate. Look at a map and ask yourself where would animals cross to get to the game range?
We cannot allow this project to proceed at the expense of our natural resources and the wildlife that depend on them.
I urge you to reject this proposed project and protect the environment and wildlife of Elbow Lake. Thank you for your attention to this important matter.

Sincerely,

Greg Browning

As homeowners of a quarter-section on Elbow Lake for 53 years, my late husband and I long appreciated the State of Montana's stewardship of the natural resources in the Greenough area. Our five adult children (co-signors of this letter) now co-owners of the property share this deep appreciation.
Similarly, we are enthused about the imminent revamping of Highway 83 at the south end of Salmon Lake—despite short-term traffic congestion—because it will advance safety and have a strong economic impact on Seeley Lake and points north. However, one aspect of the Highway 83 project runs counter to the stewardship tradition that has been a hallmark of Western Montana.
LHC Inc. has applied to create a gravel pit in the location of NE4NE4 of Section 20, Township 15N, Range 14W, which the Seeley Lake Regional Land Use Plan names as Resource Protection 1 zone for non-commercial use. This site is adjacent to the state road leading down to homes on Elbow Lake, including ours. LHC Inc.'s application suggests to us that the land—a habitat for nesting birds as well as animals—is being sacrificed so that the subcontractor can literally save pennies.

LHC Inc claims that it needs to cut its commute from a gravel pit 50 miles away from the construction site and would therefore like to create this new gravel pit. However, the application ignores other existing gravel pits very nearby, including one off Woodworth Road near the refuse station. Using this or other nearby existing gravel pits may cost the subcontractor a few more pennies of gasoline than driving from the proposed pit site, but it will spare environmental upheaval certainly in the short-term and very likely in the long-term.

The required reclamation of the land is in no way assured, which causes us the greatest concern. While the applicant would be required to perform reclamation when the job is completed, we understand that a subcontractor such as the applicant can file multiple extensions by claiming the job is still "open." As the potential permitter of this pit, is DEQ confident of the applicant's history of performing reclamation on a timely basis, or does it simply defer—or even fail to complete—reclamation? Failure or even long-term deferment would mean not only that the land is not restored and the nesting birds are permanently displaced, but the air quality from the dust of the open pit would deteriorate indefinitely.

With members of our own family employed as mining professionals, we realize there is little profit in the sand and gravel industries, so we understand LHC Inc.'s need to cut down a commute of 50 miles. But we urge you to look at other options nearby, which might cost LHC a trifling amount. In comparison, the cost--to the land and habitats--will be significant and may well last indefinitely.

We appreciate your consideration of our concerns and the public comments expressed by so many of our Elbow Lake neighbors.

Sincerely,

Shirley S. Calhoun
Jeff S. Calhoun
Patricia Calhoun
Susan Calhoun Nicholl
Catherine Calhoun
Donna Calhoun Weinstock

Dear DNRC,

I am writing to express my fierce opposition to the proposed gravel mine and asphalt plant at Elbow Lake. This project poses a significant threat to the environment and the wildlife that call this area home.

It is important to note that there are numerous existing gravel mines in the area already, and there is no need for additional mining operations. The negative impact of this project on the environment, including air and water quality, and the surrounding ecosystem far outweighs any potential benefits. This will leave a permanent scar on the land and be an eyesore for Elbow Lake Residents.

Furthermore, the area around Elbow Lake is a major corridor for the movement of hundreds of species of animals, many of which are protected. The construction and operation of a gravel mine

and asphalt plant in this area would have a devastating impact on these animals and their habitats. We cannot allow this project to proceed at the expense of our natural resources and the wildlife that depend on them.
I urge you to reject this proposed project and protect the environment and wildlife of Elbow Lake. Thank you for your attention to this important matter.

Sincerely,

Brad Clevenger

Sandwiching a gravel pit between a wildlife refuge and a river seems like the worst possible option. How is it possible that this wouldn't negatively impact the river and the wildlife that's being protected across the road. In addition, there'd be a visible gravel pit which would be an eyesore in an otherwise beautiful stretch of road. Please consider another option that is a further distance from both a waterway and the wildlife area.

Rhiannon Coburn

I believe that the proposed Elbow Lake Gravel Pit, although a significant decrease in travel distance for LHC haulers, will more negatively impact the surrounding environment and residents. The proposed application would have irreversible detrimental harm by displacing wildlife such as the wintering elk herd, deer, lynx, bears, and more. In addition to the environmental impact, the nuisance of dust and noise generated from strip mining will make it unbearable for remaining wildlife, including residents. The odor and byproduct of an asphalt plant will further displace or drive out all else from the area. The 21 acres of land, stripped, will also adversely effect the watershed serving Elbow Lake, which flows into Clearwater river, which enters the Blackfoot River just a few miles downstream.
These consequences are too grave a price to make things more convenient for a company. For residents and tourists who travel scenic Highway 83 North, this proposed application would be a constant reminder of our pristine land being disregarded and degraded solely for convenience.

Olivia Colburn

"Elbow Lake and the stretch of the Clearwater River below it represent a unique and peaceful trout fishing spot. It was the second location I was taken to flyfish in Montana and, subsequently, the first place I took others learning to fish. It is a peaceful spot, and not overfished, since it is not on a main tributary like the Blackfoot, Bitterroot, or Clark Fork. It also provides sufficient open spaces for newer fishermen to get comfortable with fly casting away from tricky overhangs and other snags. There are ample spots suitable for fishing in different conditions and seasons,

and the fishing is typically very good. Every new fisherman I have taken there has thanked me for going to spot where they were comfortable and caught fish.

Allowing a gravel pit and accompanying asphalt plant would ruin this tranquil, yet important fishing spot. The noise, dust, traffic, and odor would not only damage the aesthetics and fishing, but very possibly the river itself, just before it feeds into the Blackfoot, and Clark Fork below.

The inconvenience and added expense of utilizing an existing, but more distant gravel pit seems a small sacrifice in lieu of creating long lasting, if not permanent damage to such a valuable venue for Montana outdoor life.

Montana is not a state that prioritizes convenience. Our treasured locations sometimes take hours to access and may include difficult terrain. However, the Elbow Lake area is easily accessible from Missoula and other surrounding areas, even after a day of work. Instead of preserving that for fishermen, it would be gravel trucks and construction firms that are afforded the convenience.

Please keep outdoorsmen and women as a priority in Montana over contracting companies, that will surely still bring in a substantial profit, despite a less convenient and more distant aggregate source.

Thank you.

Bart Cook

The Clearwater Resource Council is submitting these comments regarding significant concerns about the proposed gravel pit and asphalt plant for DNRC lands near Elbow Lake. Our comments are based on five different areas of concern. Due to constraints in your comment submission site, we needed to submit these comments in 3 different submissions, and could not include a map that displays components of our concern. The map is available at our website: www.crcmt.org.

1. Stormwater runoff and surface water contamination

The proposed pit footprint is located in a swale that drains to jurisdictional wetlands, Elbow Lake, and ultimately the Clearwater River (Figure 1). Figure 1 would not load into this submission site but is available at www.crcmt.org.

Figure 1 shows the results of a terrain analysis performed using a 10 meter grid digital elevation model (DEM). Using hydrology tools of ArcGIS (https://desktop.arcgis.com/en/arcmap/latest/tools/spatial-analyst-toolbox/an-overview-of-the-hydrology-tools.htm), a flow accumulation raster (or grid) was derived indicating how water flows across the surface of the earth, specifically here, how stormwater runoff flows across the footprint of the proposed pit. The patterns of flow accumulation are expressed as normalized contributing area (units of meters) and appear as streaks of light to dark blue. Darker blue areas shown on Figure 1 are where more stormwater runoff accumulates and travels to local base level

of ponds and Elbow Lake. Figure 1 shows that stormwater flows from high ground to the east, across Highway 83, to lower ground to the west, terminating in ponds and Elbow Lake. The 2 meter contours show a large swale through the center of the pit footprint where runoff concentrates and is then routed to water and sediment sinks including ponds and Elbow Lake, through small valleys. These patterns of runoff, or more simply, flowpaths, cover a significant portion of the pit footprint.

The consequence of this interaction is an enhanced opportunity for the transport of contaminants, both sediment and chemical, to the downstream sinks of the ponds and Elbow Lake. These waterbodies are jurisdictional and would need to be monitored for contaminants.

Stormwater BMPs may be helpful at limiting the transport of contaminant-laden runoff but will impound stormwater within the pit footprint creating a ponded area. This ponding of contaminated stormwater will increase the potential for infiltration and groundwater contamination. There is also the significant risk of impounded water being released during high runoff periods and depositing sediments and contaminants into the ponds, Elbow Lake, and the Clearwater River.

2. Groundwater contamination

The subsurface of the pit footprint and surrounding area is coarse-grained alluvium and glacial outwash, with high hydraulic conductivity meaning the surface contaminants can readily flow through these soils. Resulting infiltration rates of contaminated stormwater runoff are expected to be high, with little natural attenuation (which results when flow travels slowly through subsurface media). The presence of nearby ponds also points to relatively high shallow groundwater levels such that contaminants would only have to infiltrate soils a short distance to impact groundwater. Groundwater recharge of contaminated runoff to Elbow Lake is a nontrivial possibility.

3. Air pollution

Asphalt plants are known sources of airborne pollutants, specifically: fine particulates (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, and polycyclic aromatic hydrocarbons.

These emissions will require environmental controls. Effective controls will be expensive and require monitoring by the state.

4. Sensitive area for wildlife habitat and wildlife movements

A significant concern is the location of the proposed pit in a critical wildlife area, being directly adjacent to the Blackfoot Clearwater Game Range and in an area heavily used by wintering and migrating big game (elk, mule deer, and white-tailed deer, along with black and grizzly bears, and other wildlife). The Seeley Lake Regional Land Use Plan identifies the proposed pit area as being in a Resource Protection I zone, with a proposed use being non-commercial and with a maximum residential density of 1 dwelling/160 acres. A gravel pit and asphalt plant are totally inconsistent with this recommended land use. In addition, the Land Use Plan has identified this area as a Migration Corridor. MT FW&P data recognize the important movements of elk, deer, bears and other wildlife through this area in order to access the adjacent Blackfoot Clearwater Game Range and its connection to the Blanchard Creek and Lost Prairie areas. Recent elk telemetry data collected by MT FW&P document that elk readily use this area as a corridor into the game range, and use this site regularly during the winter as winter habitat. The presence of

the pit will generate a large amount of equipment operations, with associated noise and heavy human disturbance. The proposed asphalt plant would add to this noise and disturbance. These activities would disrupt wildlife movements and impact the use of the adjacent Game Range. The Game Range is closed to human visitation from mid-fall through early May to reduce disturbances to wintering wildlife. Why would a disturbance the magnitude of an open pit gravel mine and associated asphalt plant ever be considered an appropriate activity in such a sensitive area? Wildlife are sensitive to the noise such operations would generate and especially to the presence of heavy human activities including large construction equipment. Wildlife have experienced losses of critical wintering areas throughout their ranges, and the need for the Game Range to maintain big game populations for the entire surrounding landscape including the Bob marshal Wilderness needs to be recognized. Significant efforts were put forward to create the Game Range and maintain its quality for wildlife. For example, MT FW&P, working with MDOT around 2008, purchased 30 acres directly adjacent to the proposed gravel pit for over $1 million to keep a proposed 20 unit housing development from going forward. If the adjacent 30 acres is worth this much money for its wildlife value, this indicates the value that would be lost if a gravel pit were put in at this location- not only on the 20 acres of the gravel pit, but on the adjacent land that was purchased for its wildlife value. Has this economic loss even been factored into the consideration of this proposal?

The presence of the proposed pit and asphalt plant directly adjacent to the Game Range undermines the conservation efforts that have helped maintain wildlife populations in the Clearwater Valley as well as the Bob Marshall Wilderness. This is simply not an appropriate location for such construction activities when alternative sources of gravel are available, as MDOT has indicated exist. Economics that only benefit LHC and DNRC should not be a primary factor in making decisions about locating a proposed pit and asphalt plant in such an important wildlife area.

5. MT DNRC personnel have indicated to adjacent landowners that if this project doesn't move forward, then alternative places where equivalent monies that can be generated from DNRC lands be identified. If this is a bad location for such activities, then it certainly doesn't mean that the potential monies it might generate for DNRC, with significant levels of impact to other resources, need to be compensated for in some manner. A bad location is a bad location, and no forgoing of revenues from potentially making such a bad decision should be expected to be compensated for in some other manner. DNRC has additional responsibilities to the public of Montana including not causing significant impacts to wildlife resources, water quality, and other values beyond their objective of generating monies through commercial or other activities on its lands. The suggestion that denying this permit means that private parties should identify to DNRC other locations where equivalent revenues can be generated is a major government overreach.

In summary, there are multiple significant red flags associated with this proposal. It is sited on highly permeable material, on a landform that accumulates and concentrates runoff and efficiently transports it, both as surface and subsurface flow, to jurisdictional wetlands, ponds and Elbow Lake, and the Clearwater River. The impacts to wintering wildlife both on-site and in the adjacent Game Range including directly adjacent properties purchased by DOT and transferred to FW&P for over $1 million would be considerable. It will also be impactful to

wildlife movements through the area. We request this permit application be denied, particularly given the availability of other aggregate sources.

Clearwater Resource Council

Horrible idea! Please don't let LHC, Inc. application be accepted. Put it down at Clearwater where there is already a gravel pit. The cemetery area is an important wildlife corridor along Hwy 83.

Frank & Pat DeLeo

I write to oppose authorization of this application for an aggregate take (gravel pit) and asphalt operation at this unique location on public land. And unique it is - on the northern border is Fish, Wildlife, and Parks (FWP) land. Across Highway 83 to the east, is the Clearwater Wildlife Management Area (Game Range) and Last Best Place Cemetery. To the west, about 120 feet downhill and 500 yards away is the Clearwater River. Within the surrounding ½ mile are a diverse variety of birds (bald eagles, osprey, blue herons, sandhill cranes, swans, geese, loons, golden eyes, mergansers, wood ducks, mallards, buffleheads, red tail hawks, and more), beaver, otters, muskrats, elk, deer, grizzly and black bears, mountain lions, and fox. The area is also home to 29 Department of Natural Resources and Conservation (DNRC) cabin sites that are leased and owned by people who have come to know the clean and healthy environment there since the early 1960's.
I am concerned about the negative impacts to water (the Clearwater Watershed, the Clearwater River, Elbow Lake, and private wells), wildlife in and around the Game Range, vehicle and human safety on Highway 83, and people living near this proposed industrial site. I am also alarmed about increased risks of wildland fire in the adjacent forestland that would come with gravel extraction, asphalt production, and storage of flammable substances.
Water The 21 acre proposed gravel pit footprint is located in a swale 120 feet uphill from the Clearwater River. This important waterway supports the health and wellbeing of native plants and wildlife and is a major tributary of the Blackfoot River, a well know "Blue Ribbon" fishery. The State of Montana began development of a Bull Trout restoration plan in 1993. In 2020, a weir on Elbow Lake that had existed since the 1950's, was allowed to breach by the DNRC and Fish, Wildlife, and Parks to support the goal of upstream bull trout passage. Elbow Lake clearly represents an important habitat for this threatened species.
The pit would be sited on highly permeable soils. It would be on a landform where pollutants can accumulate and concentrate in runoff water and then be transported, both as surface and subsurface flow, to wetlands, ponds, Elbow Lake, and downstream in the Clearwater River. Animals, birds, fish, fisherman, kayakers, canoeists, residents of the Elbow Lake and River Watch communities, and children from Camp Utmost who swim at Elbow Lake could be exposed to this contaminated runoff. The 17 wells documented in the DNRC's data base could be at risk for contamination due to changing water tables and aquafer damage.

Wildlife Noise originating from the proposed pit and asphalt plant from gravel crushing and excavation, along with heavy machinery using audible back up alarms, generators, and the drone of construction activity will most certainly disturb local wildlife. At 85 decibels, a gravel crusher sounds about like propeller plane flyover at 1000 ft. The typical audible back up alarm is 97-112 decibels, so at its loudest could make as much noise as live rock concert.

In an “Annotated Bibliography - Impacts of Noise on Wildlife” published by the National Park Service, a study titled “The Effect of Noise on Wildlife: A Literature Review”,(Radle, Lyn, Autumn, 1998) states “Most researchers agree that noise can effect an animal's physiology and behavior, and if it becomes chronic stress, noise can be injurious to an animal's energy budget, reproductive success and long term survival.”

Accepting this level of noise seems to run counter to the goals of Fish, Wildlife, and Parks (FWP) and DNRC for the Blackfoot-Clearwater Wildlife Management Area (the Game Range). Currently FWP uses seasonal closures prohibiting public access to provide security for wildlife during times of stress and reduced forage. Other concerns for wildlife disturbance certainly arise from the anticipated increase in dust, emissions, and exhaust."

"Wildfire Risk In their 10 tips to Prevent Wildland Fires, the US Department of Interior advises: Tip #1. “Pay close attention to weather and drought conditions, which can affect the flammability of vegetation. Avoid any activities that involve fire or sparks when it’s hot, dry and windy. If the conditions aren’t right, choose non-flammable options.”

The border for the proposed pit is close to and even encompasses nearby trees. Grasses and undergrowth in the area become very dry during the same summer months in which excavation would occur. Any risk from an industrial site that will store flammable substances plus uses vehicles and equipment that can shoot sparks from their exhaust is unnecessary and dangerous. In 2012, the 5000 acre Pine Creek Fire near Livingston, MT was started by sparks from the metal bucket of an excavator. It destroyed 5 homes and cost the Forest Service $4,000,000 to suppress.

Driver Safety on Highway 83 Fugitive dust from construction sites can reduce visibility on roadways and highways, leading to accidents. Per the California Department of Agriculture, “Wind-blown fugitive dust is a widespread problem in the arid west resulting from land disturbance or abandonment and increasingly limited water supplies. Soil-derived particles obstruct visibility, cause property damage and contribute to violations of health-based air quality standards for fine particles”. Since the proposed pit boundary is adjacent to Highway 83, what will be the dust mitigation strategies employed to reduce risk to local drivers and tourists during the busy summer months when thousands of vehicles will pass the access road daily?

Human and Social Impacts

The Elbow Lake and River Watch communities will experience many negative impacts from this proposed industrial site that will produce dust, noise, toxic emissions, and asphalt odors for the next 17 years.

It is worth considering that Elbow Lake annual cabin site leases will generate $143,000 in 2023. Each of these taxpayers maintain improvements (dwellings, wells, etc.) at their own expense. To date, 9 DNRC cabin sites have been sold in the area. Property values were assessed without the presence of an open pit mine and risks to the surrounding area. An open pit mine and asphalt plant will interfere with the peaceful environment that property owners and leaseholders

currently enjoy. The resulting decrease in property values will mean decreasing revenue from future DNRC cabin site sales and leases.
Our family cabin site purchased from the DNRC in 2020, is located on Elbow Lake about 775 yards from the southwest border of the proposed pit. It is used by four generations of our family, and we spend many daylight hours in the summer outside enjoying the peacefulness and clean air and watching the abundant wildlife activity in and around the lake and river. Our quiet enjoyment of the property will be drastically changed for the worst for the next 17 years if this permit is not denied.
One has to question whether another gravel pit is even needed since LHC, Inc has historically used another gravel permit (#3324 McKee #3, as noted in the permit application). There are other pits in the area that could supply aggregate should McKee #3 not have enough material. LHC, Inc could also request testing at other DNRC sites that would have fewer impacts on wildlife, water, traffic safety, wildland fire risk, and human health.
In conclusion, I understand that the DNRC and Department of Environmental Quality (DEQ) are mandated to consider this application from LHC, Inc, no matter how risky it may seem or how many conflicts it introduces. Before making a decision, I urge the DNRC to gather as much information as possible about the impacts a gravel pit, crushing operation, and asphalt plant would have on the people, wildlife, and environment in the surrounding area.
Please have open meetings to gather all the concerns, and please deny this permit.

Jeffrey R Dickerson

Elbow lake is not the place for a gravel pit. Hwy 83 doesn’t need the additional traffic from hauling trucks. The noise and dust would pollute all properties in the area including those located on Hwy 83 like my family property
"The idea of a open pit for gravel or other in the area is a poor idea.
I believe it not only takes away from the scenic area, it do have a issue with its greatly going to affect wildlife. Elk use this area often. I personally travel this road multiple times a week seeing elk, deer, bear, wolf.
And as a safety measure I see this causing great issues with trucks entering and leaving the roadway, along with large amounts of dust that could cause vision issues.
It's a remote area for fire suppression. Of there is a fire if the wildland type its going to be difficult to suppress, as seen in the summer of 2022 where it took multiple resources from many agencies to catch it.
The construction of 83 alone will hamper the economic climate of the area, adding this gravel pit will have a greater negative impact.
Construction of 83 will also hamper the abilities of first responders getting to and from a major trauma hospital.
The final scar of this proposed project will be a open wound for us to deer for many a decade.
I say no to a open pit mine.
Goto the others that are already in the area and outta site.

Shawn Ellinghouse

Seeley Lake has several existing gravel pits in the vicinity (at least three commercial pits and two state pits). There is no need to dig up another expanse of ground, particularly in this spot. LHC is notorious for trying to permit new pits near every job they bid, to the detriment of the local environment. State law is on the wrong side of this argument. Montana should value its natural beauty over a few dollars worth of gravel.

Patrick Elliott

---

horrible proposal
the swan valley is the last stronghold of wildlife attached to the Bob Marshall
adamantly oppose this project
it will be detrimental to protected lynx grizzly and bull trout
I grew up down the swan
all these corps are ruining everything
no more taki. of our natural resources and displacing animals
theres surely somewhere else to get gravel. surely.

Signe Ensign

Please deny this application for opencut at Elbow Lake. It is a coveted natural area in Montana and opencut will have a negative impact on the scenic area and wildlife that inhabit that area.

Thank you!

Sandra Erickson

I am very much against a gravel pit next to Elbow lake area, on the Clear Water river. With the growth in Bozeman, Belgrade area, the many gravel pits here, are very unsightly, dirty and stinky.
That area is pristine with cabins that have been there for many years. There are many wild animals that use that area to graze and go to the river for water. The dust and smell of a hot mix plant will most defiantly impact the cabin owners and will drive the animals away. There are groups of young people that come from around the country to recreate on the river in the summer.
What affect would this pit have on the under ground water? Many of the cabins have water wells.
What will the air quality be for the area. What will the traffic be, with big gravel trucks coming and going? There are children in the area and they will be out in the area.
No doubt a gravel pit is a bad addition to the area.

There is an established gravel pit for sale south of the town of Seeley Lake, a much better solution and would make better sense.

Norval Fandrich

I am concerned about the long term negative impacts of a rock pit and an asphalt plant being considered along MT 83. Will the operators be required to restore the landscape to its previous condition. When will this plant cease operations? Otherwise, they will create an ugly blight on his beautiful part of Montana
Saving truck miles is an important consideration. However, there must be an alternative location to source rock and asphalt for this road project.
Suggesting that their choice is this location or a site 50 miles away is disingenuous and suggests a significant lack of due diligence.

David Fleenor

I am strongly opposed to the proposed gravel project near Elbow Lake for the following reasons. Gravel extraction and processing, is an industrial activity that is incompatible with other land uses in this immediate area. These other uses have have been designated and supported by the State. The State of Montana has promoted the use of recreational state leases for recreational cabins, created The Clearwater Game Range for wildlife management, and promoted Highway 83 as a Scenic Highway as illustrated on the Official State Highway Map. The recreation resident lots permit holders pay a large fee to the State for uses of these leases for recreational use. The proposes gravel extraction project will have negative impacts on the great work that the State has achieved with the management of their lands in this area. A mining operation (such as this open pit will be) is noisy, dusty, and a visual intrusion to the scenic resource that is so important to all.

Gary Garthwait

The old county pit would be a better location. The rehab project was another failure. The proposed location is an Elk migration route and feeding location for Elk.

Curtis Gehrke

This is in regard to the proposed testing and possible establishment of a gravel pit near Elbow Lake. Are you kidding me? This would be an environmental disaster. This happens to be a prime migratory route for wildlife in this corridor. There are highway signs from both directions of this location on Highway 83 that caution motorists about animals crossing in this area. This is

a pristine location that would be despoiled by air, noise and potential water pollution. Excavation of this magnitude in this area would be akin to taking a sledgehammer to the Pieta. In addition, the traffic pattern would be significantly adversely impacted on Highway 83, jeopardizing motorists who travel this route. Finally, I don't think that he State of Montana wants to be involved in expensive litigation initiated by citizens who are adamantly opposed to this proposal. I strongly object to any testing for or approval of a gravel pit at this location.

Dick Giuliani

While no one likes to see this sort of development in their backyard and there is potential risk of contamination to the Clearwater River, and subsequently the Blackfoot River, I feel the benefit of utilizing this site over the alternative 50-mile haul, outweigh those risks. The scope of the overall road redesign project along Hwy 83 will have a significant impact upon the Seeley Lake community. By reducing the haul time for each load of aggregate there is greater potential to complete the project quickly and reduce that impact on the community. Additionally, the intersection of Hwy 200 and Hwy 83 has already been recognized by MTDOT as a significant hazard and is slated for redesign. Adding more, slow-moving haul trucks to an already congested and dangerous intersection would create a greater public safety issue than already exists. And finally, reducing the haul distance for each load of aggregate would significantly reduce the overall carbon footprint of the project.
Given the relatively close proximity (less than 1/2 mile) of the Clearwater River, it will be necessary for both DEQ and DNRC to ensure measures are in place to protect against contamination of surface and ground waters. If those measures are in place, I feel this site would be appropriate for aggregate extraction.

Scott Gordon

The proposed Elbow Lake gravel project (#3473 Clearwater State) site is at the exact location where elk, deer, mountain lions, black bears, and grizzlies regularly cross from the Blackfoot Clearwater Game Range to reach the Clearwater River and Elbow Lake. This is also one segment of a migration route for wildlife moving between seasonal ranges. Nesting osprey, bald eagles, and herons occupy the area, because it is a stone's throw from the Clearwater River, which flows into the Blackfoot and Clark Fork – all "bull trout country," as the signs informing anglers of their threatened status warn. Within a half mile of the proposed site are > 30 dwellings with perhaps 100 human inhabitants who drink the well water, breathe the air, and selected the location for its serenity and natural surroundings. It is hard to conceive of a less appropriate location for a gravel pit and asphalt plant.

Among my concerns:

- Gravel pit operations and asphalt production are dirty, noisy, smelly. OSHA lists multiple toxins emitted during asphalt production and storage. The proposed 21-acre site could operate as long as 2040, with the possibility of expansion with no or little oversight. The hours of operation

are not stated in the proposal, but LHC has a record of requesting round-the-clock operations once they receive an initial permit. This proposal constitutes a long-term industrial operation that would generate toxic pollutants and particulates.

- The operations would disrupt the daily and seasonal movement of wildlife between the Game Range, the river, the lake, and beyond. Conservation of wildlife migration routes is a focus of the Montana FWP's 2020 "Terrestrial Wildlife Movement and Migration Strategy." The Montana Blackfoot Elk Study (Federal Aid in Wildlife Restoration Grant W-175-R) documents an increase in importance of the Game Range and the westerly migration route since the 2017 Rice Ridge fire destroyed 80% of local elk range. "Wildlife crossing" signs on this section of highway and seasonal closure of the Game Range attest to the significance and constant use of this passageway.
- I question LHC's assertion that the operation would not affect surface or ground water. Runoff from this site, located in a swale and with high hydraulic conductivity, has the potential to release contaminants into groundwater, the river, and the lake. DNRC's database lists 17 wells in Section 20; they could potentially become contaminated. Airborne pollutants pose additional environmental and health threats.
- The noise and activity would destroy the serenity for home and cabin owners and visitors recreating on the water. It would create an eyesore on a route promoted as one of the best scenic drives in Montana.
- Property values would diminish for home and cabin owners. Montana Realtors Association opposed HB599 (2021) for this reason (Daily Interlake, May 20, 2021).
- Annual revenue from Elbow Lake cabin site leases exceeds $140,000, and multiple sites have been sold at roughly $150,000 each. Permitting an industrial operation within a half mile is not in the spirit of the agreements made with those who have contracted for a site in a peaceful, natural setting.
- A new gravel pit is completely unnecessary. LHC holds a permit (#3324 McKee#3) that can provide aggregate for this project, on a site historically used for gravel and asphalt operations. Also within the vicinity are 11 existing gravel pits that can supply aggregate for this project: #1593, #1615, #1485, #758, #683, #3211, #372, #377, #1666, #3324, #2047.

Any one of these reasons alone would suffice to deny the permit. Considered together they overwhelmingly argue against approving it. DNRC is obligated to "ensure that Montana's land and water resources provide benefits for present and future generations."

I urge the DNRC to deny the permit.

Sincerely,

Jane Grochowski

I would like to request the gravel pit not be done on the scenic route to Glacier park, MT hwy 83. The valley is not the place for such a company to exist. The traffic alone will be a nightmare, along with the road not holding up. Emergency personnel are at limits now with tourists. Again the hwy is not set up for that type and size of the business. I would also like to know about the environmental impact that will be done, it can not be in the best interest of the wildlife that cross highway and live there. There would be better places for such a business, not Hwy 83.

Shirley Hahn

I am profoundly opposed to the proposed gravel mine and asphalt plant near Elbow Lake. The Clearwater River and Elbow Lake system is a beautiful ecosystem that supports many wildlife from elk to lynx to grizzly and black bears, and mining in this area is going to have severe impacts on the air and water quality of this valuable habitat. The area around Elbow Lake, including the Elk Reserve, is a major habitat corridor for many different species of animals. Montana is very special in that it harbors some of the last wild refuges in the world where these animals can survive relatively undisturbed. A mine and asphalt plant in this area will destroy this precious habitat quality irreversibly. As an international environmental scientist, I have observed many countries attempting to recover their ecosystems and wildlife from historically poor management choices, and the process of recovery and remediation is much more costly than proper management from the beginning. Given our growing understanding of the important ecosystem services that mountain and riverine systems provide to both humans and other animals, I am appalled that Montana's government is considering sacrificing even more precious habitat for the insatiable demands of construction.

Madelyn Hair

I encourage you to deny the Elbow Lake Gravel Pit Application and rely on the pit near Brown's Lake for the Highway 83 work near Salmon Lake. It's admittedly a longer haul and appears more costly on the face of it.
Please consider the cost of constructing a new pit in a prime natural area. Public and private entities have invested a lot of money to curb development in the Clearwater-Blackfoot-Scapegoat area. It makes economic and biological sense to limit unnecessary damage to the environment when you have an alternative pit. By denying the Elbow Lake Gravel Pit, you protect past public and private financial investments and biodiversity.

Marcia Hogan

March 26, 2023
I am writing in response to the question of whether a company should be allowed by the DNRC to build an asphalt plant and dig a gravel pit on 21 acres of State land just feet from the Blackfoot Clearwater Game Range, the adjacent cemetery and the nearby Clearwater River. The company (LHC) wants to dig a massive, noisy, polluting pit and build a toxic, smelly asphalt plant that would disrupt the peacefulness of the area in a devastating way. If approved, this intrusion would only negatively impact a very sensitive environment.

The DNRC should deny such a noisy, dusty operation across from the 43,761 acre Game Range that required a big effort from Montanans to establish it. Jay Kolbe, a wildlife biologist for MT FWP wrote a document in 2007 about the value of the Game Range. He wrote that "nearly everyone" on the Clearwater Resource Council identified on their short list the Game Range as one of the "jewels of the Crown of the Continent Ecosystem". He added that, "Because it's been such an integral part of the Valley's Landscape for so long it's easy to forget just how unique and valuable the Game Range is both within the Crown Ecosystem and nationally. The Clearwater and Blackfoot Rivers, rich Cottonwood Creek riparian corridor, eutrophic lakes and fen meadows, abundant undeveloped springs, glaciated potholes, fescue grasslands, and diverse upland forests support an incredible diversity of plants and animals. FWP has documented at least 200 species using the Game Range in any given year."

Kolbe added that, "Today, the Game Range functions as one of the critical habitat keystones in the southern Crown ecosystem, a fact not lost on the many organizations that have worked hard to conserve and improve it over the last half century. These groups have facilitated more than 60 significant real estate transactions over the years with the goal of consolidating ownership and management of the area. I strongly encourage everyone to support the ongoing work of the Rocky Mountain Elk Foundation, the Nature Conservancy, land trusts, the Blackfoot Challenge, and State and Federal agencies; the coordinated efforts of these groups and untold hundreds of concerned citizens has made the Blackfoot Clearwater what it is today and their work is ongoing."

In conclusion, I strongly oppose issuing a permit to a company to build an asphalt plant and gravel pit on 21 acres, which is essentially an extension of the Blackfoot Clearwater Game Range, a jewel of the Crown of the Continent Ecosystem.

Cindy Holder

I have been visiting Montana for yearly vacations for over 20 years. Specifically, I have enjoyed extended visits at a cabin leased by my sister-in-law on Elbow Lake across from the Clearwater Game Range. This area is one of the most special places n the planet for me due to the natural beauty, wildlife, tranquility and outdoor recreation opportunities. Please do not allow gravel and asphalt mining and production and the resulting noise, air and environmental pollution that would accompanying them in this beautiful and special area.

Thank you.

Sandy Holder

I am strongly opposed to creating a gravel pit near Elbow Lake. The noise, dust, and truck traffic will be detrimental to the peace and tranquility we enjoy at Elbow Lake. The gravel pit will also disrupt the wildlife corridor from the Blackfoot Clearwater Game Range to the Clearwater River and Elbow Lake.
There is absolutely no reason to allow long-term damage for short-term profit, particularly while the State of Montana is sitting on a $2.6 billion surplus. If this proposed project is to provide funding for Pine Hills School, the current $2.6 billion State surplus provides a simple way to fund the school without ruining something so special.
This proposed gravel pit is unnecessary. LHC has a gravel pit near Ovando. In addition, there are two other private gravel pits within a few miles of the Salmon Lake highway construction site, both north and south of it.
I've been fishing and camping at Elbow Lake since the mid 1960's. As a young boy, I spent countless weekends fishing and exploring the Elbow Lake area while my dad was helping build Camp Imlu. I have a ""then and now"" picture showing me with a stringer of perch at Elbow Lake when I was 10 years old, and when I was 60 years old. Elbow Lake has changed very little in those 50 years; it truly is one of the Last Best Places. Please protect it and keep it that way, because once it's gone, it's gone. This area is very near and dear to me and many other Montanans.

Jeff Holm

As a longtime Montana resident who loves to hike and kayak in the Elbow Lake area, I am writing to oppose the permit application of LHC, Inc. to establish a new site for open cut mining, processing, and removing gravel, as well as to establish a new asphalt plant on State Trust Lands. I ask the Montana Department of Natural Resources and Conservation (DNRC) and the Department of Environmental Quality (DEQ) to deny this permit and look, instead, for an alternative site.
LHC’s gravel and asphalt projects would create varied harms for both human beings and the wildlife who co-exist in this ecologically sensitive area. I have learned that the proposed pit area is hydrologically connected to the Clearwater River; this would surely result in the project causing lasting degradation of water quality. It would compromise air quality as well through the ongoing production of dust, noise, fumes, and odor in the Elbow Lake area. The LHC project would affect the health and welfare of people, flora, and fauna; it would destroy some valuable habitat and negatively affect the wildlife game range in exchange for an industrial operation that could be sited elsewhere. Moreover, it would increase industrial traffic in the area, which would also have negative long-term impacts.
In addition to recreating in the Elbow Lake area, I have come to know a number of people who own cabins and lease Trust Lands sites. They care deeply about the integrity of their surroundings, not only for themselves, but for the elk, mountain lions, bears, otters, and other wild animals and birds who share the land. We should be strengthening their habitat and environs, not endangering and destroying them.

I do understand that roadwork projects are necessary. But LHC found an alternative to the Elbow Lake site for its work in 2017 and can do so again. It is quite possible to mesh social infrastructure needs with good environmental stewardship; all that is required is the kind of leadership that embraces that task honorably and with care.
Please do so. Deny the Elbow Lake permit and work diligently with public and private interests – and with Elbow Lake residents – to find a site that doesn't devastate an ecologically sensitive area.

Thank you.

Phoebe Hunter

I am writing to express my strong opposition to the proposed asphalt plant and gravel mine at Elbow Lake. As a property owner and resident of this community, I am deeply concerned about the potential negative impact this plant and gravel pit could have on our environment and quality of life.
First and foremost, an asphalt plant would release harmful pollutants into the air, including volatile organic compounds (VOCs), particulate matter, and other toxic chemicals. These pollutants can have serious health consequences, particularly for vulnerable populations such as children and elderly.
Furthermore, the noise and traffic associated with the plan would disrupt the peace and tranquility of our community. Elbow Lake is know for its natural beauty and serene atmosphere, an asphalt plant and gravel mine would detract from these qualities.
Finally, an asphalt plant and gravel pit will absolutely harm local wildlife and the ecosystem. The production of asphalt requires large amounts of energy and water, and the runoff from the plan could pollute nearby water sources. This area is a major corridor for many specie of wildlife, it is literally across the road from the Game Preserve.
In conclusion, I strongly urge you to oppose the construction of the proposed asphalt plant and gravel mine at Elbow Lake. The potential risk out our health, environment, and economy are simply too great to ignore. Thank you for your attention to this matter.

Sincerely,
Steve and Annette Jarvis

Hi, I'm opposed to a new gravel pit in the proposed area. That two-lane is already sketchy enough without adding trucks, dust that makes it hard to see, noise, and pollution. I'm opposed to disturbing land that is important to animals and people when there are existing gravel pits nearby. This is important habitat for species that need preservation, not disturbance, like grizzly bears, wolverine, and others. Tourists come to MT for these animals and for scenic beauty, not for gravel pits, when other pits already exist. Thank you for the opportunity to comment.

Beth Judy

To whom it may concern;
When I was young, I was asked in school to write a short story about my favorite place. I knew right away I was going to write about Elbow lake, but what about Elbow made it my favorite place? There was so many thoughts I had, it was hard to narrow it down into a short story. I thought long and hard and decided to write about the feeling I had going to the lake each time my family headed that way. I wrote about the Blackfoot river, the Potomac valley, the big cow that meant we were almost there and about the feeling I got when we turned on the dirt road. The feeling of peace, nature and family time. I wrote about the deer, bear and coyotes I would often see on the drive down to the cabin. I wrote about seeing the game range in the rear view mirror and seeing the "snake lake" ahead. I loved seeing the old cabins built in the 50's, 60's and 70's. My favorite thing was watching familiar faces of families that have been there for decades enjoy their slice of "heaven".
Please don't take this feeling away from my children. I am asking you to reconsider the gravel pit. It will not be good for the wildlife, wild flowers, and for the families that have enjoyed this space for many, many decades. There simply has to be a better solution. The noise, pollution, and damage to the environment will be irreversible. The land will be never be the same. So many deer and elk use this area to cross into the game range. Please don't take a piece of Montana that is nearly untouched yet enjoyed by both humans and wildlife. I strongly oppose the development of the gravel pit.

Thank you,
Mary Knapp

Dear DNRC,

This is letter from our daughters, Molly and Emily Knapp. They wanted to let you know how special the Elbow lake was to them.
"Grandpa and papa's cabin is really fun, I love to swim, play checkers, and I like to go for long walks with my Grandma." Emily Knapp (6 years old)
"Every year my cousins and I get to go to my grandparents cabin for 'cabin days' without my mom and dad. We play, build forts and swim. One of our favorite things is exploring the beehives and learning about different rocks, flowers and trees." Molly Knapp (9 years old)
The "beehives" is where the kids go for their hikes. Many kids, not just our family uses this area for light hikes, hunting and enjoy wildlife watching. This year we alone, we have seen elk, deer and bears in this area. The beehives, as the children call it is where the gravel is purposed. Molly and Emily Knapp strongly oppose this gravel pit. We want a place our children can enjoy without the fear of heavy equipment moving in and out of the area. Please do not put in this gravel pit for the safety of all the children that use this area.

Thank you,
Molly and Emily Knapp

I am writing in opposition to the application for the open cut mining permit located near Elbow Lake. This gravel pit will significantly degrade water quality, impede wildlife traveling through a widely used corridor and cause significant noise and dust pollution. I find it interesting that this pit is billed as a closer location to the project at Salmon Lake while the permit will be effective far past the expected life span of that project to be completed. This gravel pit will be an eyesore for every recreationist traveling through the Seeley Swan area. Furthermore, the chosen location will degrade the usefulness of the wildlife management area located right across the highway. Game animals that normally seek refuge at this WMA will avoid that area like the plague. I strongly oppose the development of a gravel pit in this location.

Ryan Knapp

I am a Montana native. I grew up in Seeley Lake and Greenough. I have lived in Florida for many years. We still have family and property in Montana. We have dreamed of retiring back home in Montana. That day is coming soon. This sickens me that a smelly eye sore is being considered for our beautiful area. This is not only ugly but unhealthy for residents and wildlife alike. Also, what about the small businesses that provide this service already? Please reconsider. Keep Montana Montana. The last best place.

Rhonda Koch

I know that DNRC's purpose is to make money, but you are also required to ""consider environmental factors"". Two of these environmental factors are air quality and noise. You have leased or sold land for 29 cabin sites very close to this proposed operation, which will certainly be affected by the fumes of the asphalt plant. And the noise of frequent gravel truck traffic will have a big negative impact on the relaxing atmosphere that we have all paid for.

Now I also know that during road construction, everyone is inconvenienced. But we put up with it because it is only temporary and we all welcome a safer drive along Salmon Lake. So if I thought this was only temporary, I would be inclined to just bite the bullet and get it over with (although a reduction in this year's rent would be appropriate).

But I actually don't trust you to close it down completely after this project. So I must therefore tell you that I am totally opposed to this degradation of what we cabin owners HAVE ALREADY PAID YOU FOR.

Carol Koepcke

March 26, 2023

An asphalt plant?! And a gravel pit?! On 21 acres?! That's an area bigger than 26 football fields, or more than 300 tennis courts or over 3100 parking spaces! However the reader, you, can best envision the enormity of such a horrific industry smack in the middle of a peaceful, wild area that is adjacent to an already designated special open space, this is a proposal that needs to be denied.

This application to build such a noisy, dusty, smelly, disruptive industry directly across from the Blackfoot Clearwater Game Range (which is adjacent to the Scapegoat Wilderness) and the Last Best Place Cemetery on one side and the Clearwater River/Elbow Lake on the other side needs to be stopped in its tracks!

LHC, Inc recently submitted an application to the Montana Department of Natural Resources and CONSERVATION (DNRC) to create this travesty in a very important wildlife corridor and serene location on State Land. Not only would the elk, grizzly bears and many other wild animals be negatively impacted but so would the people who enjoy the serenity of the area. Asphalt plants are not just ugly, but the more heat that is applied, the stinkier the asphalt becomes. The smell radiates out into the atmosphere which becomes the only thing people can smell. Health effects from exposure to asphalt fumes include headaches, fatigue, and eye irritation to name a few problems. This proposed industry is an outrageous insult to the area and to what makes western Montana special.

The experience of cabin owners would certainly be negatively affected just as the wild animals would be impacted. The money made from such a noisy, dusty, smelly industry is not worth the long-term negative impacts of this proposal. The noise, smell and dust would, of course, also reduce property values for people who own and lease lots from the DNRC near the proposed asphalt plant and gravel pit.

LHC's upcoming road project on Highway 83 has a permit to use gravel from a pit that already exists on private property near Brown's Lake. Driving the distance from the Brown's Lake area to haul gravel and asphalt to the Highway 83 road project is the least impactful option. The State should also not compete with private people who own gravel pits in the area.

Thank you for respecting all the people who have written comments of opposition and all the animals who can't write letters. Please deny this outrageous request and destructive industry in this sensitive area.

Libby Langston

Do not allow this gravel pit At Elbow Lake
It's wrong!

Cynthia Lee

NO TO Elbow Lake Gravel Pit!!! I enjoy recreating in the are via hiking, boating, fishing and shed hunting. Why are you going to allow the destruction of this area when the public loves to use Our Montana Natural Resources!!!! No to Elbow Lake Gravel Pit!!! No Means No!!!

Debbie Lepo

The gravel pit would impact the elbow lake area immensely. Please do not allow this to happen!

Robbie Lnapp

Please do NOT approve the permits requested for the Elbow Lake Gravel Pit and opencut mining. The proposed area has high visual impact for the initial area of Highway 83. It is frequented by eagles, osprey, deer and elk as well as other animals. It is close to important waterways and important recreational areas enjoyed by both locals and many visitors. Presently it is a peaceful, lovely area. The pit will ruin that.

Lisa Lovejoy

On January 6 of this year, LHC, Inc. a paving contractor from Kalispell, submitted an application to Montana DNRC to mine crush and remove roughly 110,000 cubic yards of sand and gravel from their Land Trust. The application also includes a permit to have an asphalt plant on site. The area is roughly 21 acres and to be used to build our new roads on Highway 83 this summer and next, as well as other highway projects. DNRC sent out a press release on the 10th of March making the public aware of this. The 21 acres in question is directly across from the Seeley Lake Cemetary adjacent to Highway 83 and just above Elbow Lake. It is also adjacent to the Clearwater Blackfoot Elk Range which provides security to wintering elk and deer.
LHC, Inc. currently is permitted to haul aggregate to the project from a source north of Brown's Lake. That is a 50 mile round trip. If they are successful in obtaining this permit, it cuts it down to 2 miles. It also would succeed in displacing the wildlife in the area including the wintering elk herd that can reach 1000 head, deer, lynx, bears, etc. The noise and dust generated from strip mining and crushing the stone will make it unbearable for other wildlife, including the people who have built their homes just to the north. The stench from the asphalt plant will make sure to drive everything else away. The 21 acres of land, stripped through opencut mining will drain directly into Elbow Lake, which flows into the Clearwater River, which enters the Blackfoot just a few miles downstream. For those of use who enjoy the beautiful drive on scenic Highway 83 North this atrocity will be a constant reminder of our pristine land once again sold to the highest bidder. These consequences are too grave a price in order to make things a little more convenient for this multi million dollar company.
The DNRC's mission is to help ensure that Montana's land and water resources provide benefits for present and future generations. This is a noble cause. But to add insult to injury, the Trust

that will benefit from the rape of our land is Pine Hills School in Miles City, when our own local school is in desperate need of assistance as well. The Seeley Lake area has multiple gravel pits already in existence. Adding another along with an asphalt plant is not only absolutely unnecessary, but gravely damaging to our pristine Montana lands.

Mary Lynne Jones

On January 6 of this year, LHC, Inc. a paving contractor from Kalispell, submitted an application to Montana DNRC to mine crush and remove roughly 110,000 cubic yards of stone, sand and gravel from their Land Trust, Section 20, Township 15N, Range 14W. The application also requests to include a permit to locate an asphalt production plant on site. The area is roughly 21 acres and is proposed to be used to build our new roads on Highway 83 expansion this summer and next, as well as other highway projects. DNRC sent out a press release on the 10th of March making the public aware of this. The 21 acres in question is directly across from the Seeley Lake Cemetary adjacent to Highway 83 and just above Elbow Lake. It is also adjacent to the Clearwater Blackfoot Elk Range which provides security to wintering elk and deer.

LHC, Inc. currently is permitted to haul aggregate to the project from a source north of Brown's Lake. That is a 50 mile round trip. If they are successful in obtaining this permit, the travel distance is reduced to 2 miles. While this reduction is significant and has merits to the overall longevity of the project, it more negatively impacts the surrounding environment and residents. The proposed application would have irreversible detrimental harm by displacing the wildlife in the area including the wintering elk herd that can reach in excess of 1000 head, deer, lynx, bears, etc. In addition to the immediate environmental impact, the nuisance of noise and dust generated from strip mining and crushing the stone will make it unbearable for other wildlife, including the residents, who have built their homes just to the north. The odor and byproduct from the proposed asphalt plant will be sure to displace or deter all else from the area. The 21 acres of land, stripped through opencut mining tailings and asphalt byproduct will adversely damage the watershed serving Elbow Lake, which flows into the Clearwater River, which enters the Blackfoot just a few miles downstream.

Mary Lynne Jones – 2nd comment

For residents and tourists who enjoy the beautiful drive on scenic Highway 83 North this proposed atrocity will be a constant reminder of our pristine land once again sold to the highest bidder, if approved. These consequences are too grave a price in order to make things a little more convenient for this multi million company."
"There are far to many negative impacts in the consideration of the proposed Elbow Lake Aggregate Project.

- Permitting a opencut mine above a highly valued waterway (Elbow lake empties into the Clear Water River which empties into the blue ribbon Blackfoot watershed) presents far to many potential environmental impacts.
-The proposed open pit mine is located along side of highway 83. Highway 83 is scenic corridor with subdivisions in close proximity.
-The Blackfoot Clearwater Game Range exists in the vicinity providing open corridors for Elk, Deer, Grizzly Bears etc.
-There already exist several gravel pit/mines within the general vicinity of the the proposed Elbow Lake project. Another open pit mine would be redundant and a unnecessary eye sore for the Seeley Swan Valley.

Respectfully Terry MacLeod

Terry MacLeod

Please do not allow this proposed gravel pit to go forward. In my opinion, it is a terrible place for it to be located; for the environmental concerns as much as for the aesthetics. Please do not permit this project at this location. Thank you.

Mary Ann Mancini

We are submitting these comments to address our significant concerns about the proposed gravel pit and asphalt plant on DRNC land near Elbow Lake.
We adamantly oppose the gravel mining application by LHC Inc. for the following reasons:
We dispute the self-reported assertion by the applicant that there are fewer than “ten Occupied Dwelling Units are located within one-half mile of the permit boundary.” There are 29 cabins surrounding Elbow Lake, and 2/3 are less than one-half mile from the permit boundary.
The application is for a gravel mining operation; however, the applicant has indicated to the Department of Natural Resources (DNRC) that using an asphalt batch plant will be part of the land usage, effectively making this a staging area for the upcoming highway project. That means not only mining, crushing, and stockpiling aggregate for the project and production of hot mix asphalt, but also LHC would use the site for parking, servicing, and maintaining their equipment and trucks. This requires the storage of fuel, hydraulic fluid, and motor oil. They will be trucking in thousands of gallons of hot liquid asphalt to produce asphalt pavement. All of these details point to a high risk of environmental damage.
In addition to the potential contamination of Elbow Lake, the Clearwater River, and the ponds surrounding the area, the home sites at Elbow Lake rely on well water. The proximity of this proposed project to Elbow Lake and the Clearwater River poses a high risk of groundwater contamination, ultimately making the well water unsafe.

A gravel mining, crushing, and stockpiling operation like the one proposed will create excessive noise and dust conditions that will negatively impact wildlife and residents.
The exact area where this mine is proposed is a central corridor for the movement of hundreds of species of animals, many of which are protected. Larger animals from the Blanchard Creek area cross the shallow water at the mouth of Elbow Lake (the only major crossing spot for miles) and travel directly over the proposed mine site to get to the Game Range to the East. The Game Range is closed to human visitation from fall to early May to protect the wintering wildlife from outside disturbances. Montana Fish Wildlife & Parks invested significant effort and money in creating the Game Range to provide a safe wintering area for dwindling big game populations in the surrounding areas. The construction and operation of a gravel mine and asphalt plant in this area would devastate these animals and their habitats.
It is important to note that there are already numerous existing gravel mines in the area, at least five within a 10-mile radius. The negative impact of this project on the environment, including air and water quality, and the surrounding ecosystem far outweigh any potential benefits. This proposed project will leave a permanent scar on the land and be an eyesore for Elbow Lake Residents.
A gravel operation as proposed at this location is unnecessary when there are multiple other already permitted gravel sites available for this project, including:

Reinoehl Site	#1593 Riverside Contracting
Richards Pit #2	#1615 Richards Development Co.
Paws Up/HWY 200	#1485 Monroe Development LLC
Seeley Lake #2	#758 Missoula County
John Richards	#683 Richards Development Co.
Heart Bar Heart	#3211 O’Brien Excavation LLC
Murphy	#372 Powell County Road Department
Jacobson	#377 Powell County Road Department
Mckee	#1666 Schellinger Construction
Mckee #3	#3324 LHC Inc.
Mckee	#2047 Powell County Road Department

In summary, there are multiple significant reasons why this permit proposal should be denied, especially given the availability of other aggregate sources on sites that would not have such a damaging and long-lasting negative impact on the environment and wildlife habitat.
We urge LHC Inc and DNRC to search for safer, more logical options.

Sincerely,

Jeff Denning and
Terry Martin-Denning

Locating a gravel pit and asphalt plant at this location is a terrible idea. Especially when there is a usable site already in operation. An extra 50 miles is a small price to pay to protect the landscapes natural beauty. This exact location is a highly used corridor for the elk and bears that live in this area.
Who among us hasn't been stopped by herds of elk crossing highway 83 at various times during the year? Now there's a proposal to put in a highly invasive gravel pit and asphalt plant. The dust and the smell will be pervasive. All this right across the highway from the game range, not to mention the natural beauty and peacefulness of the Elbow Lake area. This proposal would severely detract from the livability of the area. Noise, dust, fumes, traffic, etc. Property values would be negatively impacted. Are there also not other gravel pits closer to Seeley Lake? Please reject this proposal and use already existing assets. Thanks for your time.

Scott Newpower

I oppose authorization of this application on this integral piece of public land. On the northern border is Fish, Wildlife, and Parks (FWP) land. East across Highway 83, is the Clearwater Wildlife Management Area (Game Range) and Last Best Place Cemetery. West, about 120 feet downhill and 500 yards away is the Clearwater River. Nearby, are 29 privately owned and leased DNRC cabin sites. I am concerned about negative impacts to local water resources, wildlife, safety on Highway 83, and people living near an industrial site. Risks of wildland fire in the adjacent forestland will increase. -Water- The 21 acre proposed gravel pit footprint is located in a swale 120 feet uphill from the Clearwater River. It is a major tributary of the Blackfoot River, a well know “Blue Ribbon” fishery. The State of Montana began development of a Bull Trout restoration plan in 1993. In 2020, a weir on Elbow Lake was allowed to breach by the DNRC and FWP to support upstream bull trout passage. Elbow Lake represents important habitat for this threatened species. The pit would be on highly permeable soils, and a landform where pollutants can accumulate and concentrate in runoff water and be transported, as surface and subsurface flow, to wetlands, ponds, Elbow Lake, and further downstream. Wildlife and humans, like children from Camp Utmost who swim at the lake, could be exposed to contaminated runoff. The 17 wells documented in the DNRC’s data base could be at risk for contamination from changing water tables and aquifer damage. - Wildlife - Noise originating from gravel crushing, machinery using audible back up alarms, and the drone of construction activity will disturb local wildlife. At 85 decibels, a gravel crusher is like a propeller plane flyover at 1000 ft. The typical audible back up alarm can make as much noise as live rock concert. In an “Annotated Bibliography - Impacts of Noise on Wildlife” published by the National Park Service, “The Effect of Noise on Wildlife: A Literature Review”,(Radle, Lyn, Autumn, 1998) states “Most researchers agree that noise can effect an animal's physiology and behavior, and if it becomes chronic stress, noise can be injurious to an animal's energy budget, reproductive success and long term survival.” Accepting this level of noise conflicts with goals of FWP and DNRC for the Game Range). FWP uses seasonal closures prohibiting public access to provide security for wildlife during times of stress and reduced forage.- Wildfire Risk -The border of proposed pit is close to nearby trees. Undergrowth becomes dry during summer

months. Risk from an industrial site that stores flammable substances plus uses vehicles and equipment that can shoot sparks from exhaust is dangerous. For example in 2012, the 5000 acre Pine Creek Fire near Livingston, MT was started by sparks from the metal bucket of an excavator. It destroyed 5 homes and cost the Forest Service $4,000,000 to suppress.-Human and Social Impacts- Elbow Lake annual cabin site leases will generate $143,000 in 2023. Nine DNRC cabin sites have been sold there, with property values assessed without an open pit mine. An open pit mining operation will interfere with the peaceful use of these properties. Decrease in property values may mean decreasing revenue from future DNRC sales and leases. Our family cabin located on Elbow Lake and purchased from the DNRC in 2020, is about 775 yards from the site. Our quiet enjoyment of the property will be shattered for the next 17 years if this permit is approved. Is another gravel pit is even needed since LHC uses another gravel permit (#3324 McKee #3) in the area? LHC could request testing on other DNRC Trust Land sites. Officials from DNRC are invited to contact us to use our property and observe wildlife and human activities in and around Elbow Lake during expected hours of operation (7-7, 5 days per wk). I request that DNRC consider holding public meetings about this application. Please deny this permit.

Gayla Nicholson

To Whom it may concern:
LHC, Inc has applied for an Opencut mining operation on 21.2 acres of DNRC and Coservation managed State Tract Land to mine, crush, and remove gravel to a depth of 20 feet and run an asphalt plant through 2040.
Location: app 3.3 miles north of Clearwater Junction. Borders the Clearwater Wildlife Management Area, Last Best Place Cemetary, Clearwater River.
Objections:
(1)Approximately 3000+ elk are fed and wintered at CWMA. Elk then migrate ACROSS THIS SAME 20 ACRE site, across the Clearwater River, west through the Lost Prairie meadows, and eventually onto the Pistol Creek mountains within the Confederated Salish Kootenai Tribe's Flathead Reservation. Human access is prohibited in the CWMA for 6 months each year. Why would DNRC and DEQ, then allow the elk's migration route to be cut off?
(2.) I object as a cabin site owne,r since 1959, to having an open pit mine, crusher, equipment, and asphalt plant with their diesel fumes, noise, airborne dust, and smell within 1/2 mile of Elbow Lake and our family cabin.
(3) Other gravel pit sites are available that would be less disruptive to wildlife and Elbow Lake residents, including the Browns Lake Permit #3324 (site name McKee#3) mine currently being used by LHC, (and apparently usedby LHC as a gravel source to bid the Salmon Lake road project). Additionally DNRC would manage these sites and Pine Hill School would benefit from revenues generated.

In conclusion, this open pit mine would be disastrous, to humans, migrating elk herds, endangered species, such as grizzly bears and bull trout. Other locations are available on DNRC lands, revenues from which would benefit school districts.

Dan O'Hoyt

My comment on this proposed gravel pit near Elbow lake is VEHEMENTLY NO!!
I have lived in Seeley for now nearly 5 years and Love this area and it's beauty and wildlife. Previously I loved and worked in Laurel Mt. Several gravel pits were put in near my family home an every one of them ended up a horrific scar and eyesore on the land! I am aghast that you are considering this proposal and it location right in the entryway to our beautiful town. Not to mention the damage done to the elk range and the irreversible damage to the animals themselves. Then we have the very Real issue of the damage that Will be done to this important watershed!!! I'm sure there are much better locations for this type of activity but this is not it!!!! As much as we don't enjoy tourist traffic, tourists and our own families enjoy the landscape entering Seeley and this project in this location is So Very Wrong!!! Please DENY this project!!! This property is Too valuable to destroy it for a buck!!!!

Sandra Pisauro

I oppose the Elbow Lake Gravel Project. To use State Land for a private company to make money is not necessary. The location of this project is also of great concern. This is next to a lake, the Clearwater river and a wildlife preserve. There is a gravel pit on private land 25 miles away. Please reconsider this project amd leave the State Land as it is.
Thank you.

David Pisauro

I am against a gravel pit at Elbow Lake.

Thank you

Lisa Preston

Hi. My name is Grace Schwenk. I spent my childhood summers growing up at Elbow Lake. Growing up, I experienced a rocky homelife with my parents divorcing when I was seven years old. I was passed back and forth between houses, never really feeling at home in either. To distract us from the chaos at home, my grandma often whisked us away to Elbow Lake. That is where I found my home. I grew up amongst the ponderosa pines, arrowleaf balsamroot, and garter snakes. The clear water that flows into Elbow Lake saved me as a child. I will forever be

grateful to those waters because of that. It haunts me to think of a gravel pit disrupting the peace and natural state of Elbow Lake. There will be many people asking you not to do it so that their families can enjoy it for several generations. I'm asking you not to do it for the land. For Elbow Lake. That was my place to just go and be as a child. It saved me. Now I want to try and save it. Please, just let Elbow Lake be.

Grace Schwenk

I have enjoyed elbow lake for 25 years now. In that time I have discovered what makes Elbow Lake so special is the unique wildlife environment that flourishing in that area, along with the quiet. The whole reason I spend my time up there is to get away from the noise and reconnect with nature. I'm afraid this project will change the environment and wildlife indefinitely. The purpose for the DNRC is to protect natural resources, conserve and build sustainable recreational habits. The state will have not done its job if this project goes through.

Rene Schwenk

Elbow lake has been a place I have grown up with for my whole life, 43 years, a place to enjoy the wilderness and all that goes with it including quietness, fresh air, no traffic and definitely no loud noises of heavy equipment. If this gravel goes through everything I cherish about elbow lake will be changed/ruined which is unacceptable. I want a place, the same place I had growing up for my kids to enjoy and some day take their kids to enjoy. Please don't allow this gravel pit to be put in this location. It will ruin the memories/experiences of many generations to come.

Thanks,
Dave Schwenk

04/012/2023
Proposed Elbow Lake Gravel Pit
To whom it may concern at the DNRC and DEQ,
We are writing in response to the proposed open-cut mine near Elbow Lake. We understand that, when or if the site is in full use, it is intended to support Pine Hills School and Common School funds. We also are aware that, it is the DNRC's fiduciary responsibility to manage MT State Trust Lands and make top dollar for the use or sale of these Lands. For several reasons, we would like to go on record as opposing the project at the Elbow Lake location and would like to address other possible options to raise the funds from other Trust Land in the immediate area.
Our dwelling, at 310 Elbow Loop S., resides within a ½ mile of the proposed open-cut mine/ asphalt plant. It has a working well (running water), and a septic system (in use). We've spent the last seven years making further improvements, anticipating living there more full time. This year, both my husband and I are easing into retirement and if all goes to plan, we will be fully

retired next year. Our goal has been to spend the majority of our retirement years at this home and enjoy the plethora of wild life we observe, the tranquility the area has to offer, and the option to recreate right out the back door. Because of the close proximity to the Clearwater River, Boyd Mountain Game Range and numerous residences, our ultimate concern is the negative impact a gravel pit/asphalt plant would have on the environment, animals, birds and humans in the area.
In 2015 we purchased the land we reside on, from The State of Montana after leasing it for 22 years (since 1993). The sale came with a patent deed for the purchase of the property and an easement deed) to access our property from HWY 83 (Easement No. D-14960) One section of the easement deed reads;
"This easement is intended to provide Grantee access to private land, hereinafter referred to as the Dominant Tenement, described as Lot 16, COS 4921, located SW1/4SW1/4 Of Section 20 Township 15 North, Range 14 West, for the purpose of private, non-commercial access to one (1) single-family residence and associated outbuildings upon the tract in the dominant tenement. This easement does not provide access for the construction or operation of any restaurant, bar, hotel, motel, office space, storage, shopping center, or any structure of public accommodation. No additional or expanded use is authorized pursuant to this easement. "
So when we purchased the lot from the DNRC, it was our understanding the property had residential status with no commercial use from the access point on Highway 83 down to our property on the Clearwater River. Why then several years later, is the DNRC attempting to permit a commercial/industrial operation within ½ mile radius of our property? Is this legal, or better yet, how neighborly and or fair is this?
Would it be possible for the DNRC to exercise other options to raise money for Common School and Pine Hills School funds by considering other trust lands? According to a color coded map, created by Zack Winfield with the DNRC, other tracts of land designated to fund Pine Hills School, exist in the Clearwater Junction /Salmon Lake area. We're wondering if these tracts were considered for an open–cut mine site. The approximate locations of three of these tracts are;

#1. Clearwater State Forest (Lost Prairie Rd area)	Section30, T15N, R14W 47.00656,-113.140425
#2. Clearwater State Forest (Woodworth Rd. area)	Section 32, T16N, R14W 47.09593,-113.39199
#3. Clear water State Forest (Blanchard Cr Rd area)	Section06, T14N, R14W 46.99655,-113.42345

Have any of these locations been considered as another option for the proposed open-cut mine/asphalt plant site? All 3 locations are approximately 3 miles from the starting point of the Salmon Lake project and have access roads from a highway. The locations are also more secluded and distant from residential dwellings, than the proposed Elbow Lake site. They seem like viable options to consider because there locations have less impact on the Clearwater River, Boyd Mountain Game Range corridor and individuals residing in the area.
The DNRC is also currently proposing a timber sale on Section 18, Township 15 North, Range 14 West—Pine Hills School fund and on Section 19, Township 15, Range 14 West—Common Schools fund. These sites are west of the stretch of the Clearwater River known as Elbow Lake. Additionally, sites # 1, #2 and #3, mentioned in the previous paragraph, are all Trust Lands

which support Pine Hills School. Could or have these areas been considered for timber harvest, and after the harvest, then for a possible open-cut mine operation?
Although the DNRC would generate no funds from this option, privately owned gravel pit sites exist in the area of the Salmon Lake project, and could be considered. Richards Development Co. has 2 gravel pits in the area, one on the out skirts of Seeley, and the other near Clearwater Junction. Both pits are approximately 6 miles (12 miles round- trip) from the starting point of the Salmon Lake project and are viable. Additionally, McKee#3 gravel pit, near Browns Lake, has already been permitted by the DEQ for this project. Granted, it is a much greater distance, 25 miles (50 mile round-trip) for the contractor, LHC Inc. to haul asphalt to the starting point, but with all three of these options, no new open-cut mines would have to be created. The DNRC could withdraw its option to create a new gravel pit at the Elbow Lake site, and research other possibilities for fund raising, and allow private industry to supply material for the job.
In conclusion, the quality and health of the environment, and the serenity of life and nature that we currently enjoy in the Elbow Lake area, would be detrimentally impacted for 17+ years, if the proposed open-cut mine /portable asphalt plant, is allowed to be developed. The avian and mammal wildlife in the area, are diverse and extensive. We consistently see; Bald eagles, Golden Eagles, Osprey, Blue Herons, Sand Hill Cranes, Loons, numerous species of ducks, humming birds, blue birds, meadow larks, yellow finches, red winged black birds, swans, geese, river otters, black bears, grizzly bears, mountain lions, fox, coyotes, deer, and sometimes elk wondering into the area from Boyd Mountain Game Range. Choosing this site would leave a negative and long lasting impact on the health and well-being of the Clearwater River and the wild life and humans residing in the area. We implore the DNRC to choose a different site and or withdraw from the project..
Sincerely,

Cheryl and Tim Schwenk

Please read this outcry to save Elbow Lake and surrounding areas from a proposed gravel pit.

WE, as Elbow Lake community believe that this gravel pit is a huge mistake for our community and the surrounding area. Not only is this a corridor for animals (bears, elk, deer, eagles, birds, etc) to walk between Boyd Mountain to the river for survival it is also a place for other wildlife to have free space. We are Montanans who pride ourselves on open lands and yet we seem to be taking every space we can for profit. I understand it would be cost-effective for you to open this gravel pit rather than haul it another 20 miles or more, but you need to think of the long-term effects that this will create. The traffic, the air quality, and the ecosystem all play a role in this. I really hope that you do not do this to our community and to the wildlife that lives and breathes in that area. It would be a huge mistake for all involved.

Sincerely,

Annie Schwenk Mitton

Simply put, the public land near Elbow lake is already in use and should not be deemed available for such a destructive project. The land and lake are a solstice for my family and for the other residents. Why is this land so important to us? Spend a day observing the wildlife flourish on the land and you could not deny how beautiful it is to see such diverse harmony, and just by observing it you become a part of it. The lake is quiet, so quiet that when I take out my canoe and look to the sky, I can hear the hawks soar above my head. I can hear the splash of a turtle wading into the water after basking on the shores. The most special part of the lake, for myself, are the beaver family who have lived and thrived at elbow for longer than my own family. The woods are filled with wild flowers and grasses that deer are not shy to graze on. Chipmunks and squirrels scurry up trees and humming birds appear if you are patient enough to see.
This is no small matter for us. A gravel pit will change the land for the rest of our lives.

The proposed pit has a remediation date of December 2040. But there would be no remediation for the way this project will contaminate our lives. My family has been blessed to experience Elbow lake for 4 generations. If you, the Department of Natural Resource and Conservation, who's mission is to "…help ensure that Montana's land and water resources provide benefits for present and future generations.", approve this proposal, you single-handedly will be robbing the future generations of the families that reside on elbow lake. The land provides qualitative benefits that companies interested in profit can not comprehend. I ask that you deny the permit to use land near elbow lake for a gravel pit, and instead find land that is not so clearly occupied.

Mallarie Schwenk

Thank you for the opportunity to publicly comment on the proposed Elbow Lake aggregate permit testing. We are writing to inform you that we are strongly opposed to any mineral testing and future resource mining in the Elbow Lake area. As long-time property owners on Elbow Lake, we are particularly worried about how the proposed changes, especially the mining activity, will affect our quality of life and that of the abundant wildlife in the Clearwater Drainage – Elbow Lake areas.

We speak from the perspective of being longtime property owners near the Missoula Mullan Road gravel pit (240 yards from our property) that began operating in the mid-1960s. Once the Mullan Road gravel pit began operation, the quality of our life changed overnight (i.e., we cannot open our windows because of the increase in air particulates and noise pollution).

A portion of our land in the Mullan Road area is also adjacent to the Clark Fork River drainage riparian area. When the gravel pit went in we immediately noticed how it changed the migration patterns of the abundant ducks, pheasants, geese, eagles and other fragile wildlife that was once dependent on open land; land that is now used for commercial mineral extraction purposes.

Again, for the above reasons and other concerns, we are adamantly opposed to mineral testing and any future mineral extraction in the Clearwater Drainage - Elbow Lake Area.

Mike & Patrice Schwenk

We vehemently oppose the approval of the application submitted by LHC Inc. The 21.5-acre site is directly across from the Blackfoot Clearwater Wildlife Management Area. The site is the direct path for elk, deer, black bear, grizzly bear, and mountain lion crossing from the Game Range (Boyd Mountain) to the Clearwater River. Bald eagles, blue heron, osprey, Canadian geese, among other waterfowl birds enjoy and inhabit the area, because of the close proximity to the Clearwater River. Elbow Lake flows into the Clearwater River, which then flows into the Blackfoot and eventually the Clark Fork River. All of these rivers are home to the threatened Bull Trout. Numerous beavers and river otters also call the area their home. Within Section 20 (the proposed site's section) there are twenty-nine cabin sites that are occupied by many people; owners and their families who have chosen to dwell in the location for the beauty, peacefulness, and enjoyment of the natural surroundings this area provides. Also, the area is recreated by numerous visitors throughout the year.
Listed below are our concerns:
1. The operation of a gravel pit/asphalt plant are known sources for airborne pollutants. LHC has not indicated their hours of operation in their application, but other gravel pit operations they operate run 24 hours a day. Their application indicates operating the plant until 2040. Seventeen years of toxic pollutants and particulate matter filling the air!
2. The proposed gravel pit operation threatens to release contaminants into the ground water, Elbow Lake, and the Clearwater River. LHC, in their application, states that their operation would not affect surface or ground water. I question this assertion; the area is located in a swale that drains into wetlands, Elbow Lake and eventually the Clearwater. This would be extremely significant during springtime runoffs. Also, there is risk of contamination of the seventeen wells that are currently present on cabin sites. (From the Montana Bureau of Mines and Geology website).
3. Another alarming concern we have is the location of the proposed pit in such close proximity to the Blackfoot Clearwater Wildlife Game Area. This area is heavily populated by migrating elk, mule deer, white-tail deer, black bear, grizzly bear, mountain lion and other wildlife. This is a migration corridor for these animals. FW&P monitor this area and have documented the site as a winter habitat area. Nighttime lighting, the addition of drilling equipment, heavy machinery, and asphalt production, will have a tremendous detrimental effect on the wildlife and their habitat. There are also many conservation efforts currently being made to preserve and maintain the wildlife population in the Clearwater River area as well as the adjacent Bob Marshall Wilderness.
The MDOT has indicated that existing locations are available for the necessary amount of material needed to complete the Salmon Lake highway project. The sites are #1593, #1615, #1485, #758, #683, #3211, #372, #377, #1666, #3324 and #2047 that can supply the material.

DNRC has indicated that if this project does not move forward, then alternative sites, where an equal amount of revenue can be generated, must be recognized. Is DNRC ignoring the tremendous number of negative factors in favor of potential revenue? Certainly, there are other areas that can be investigated.
We are both native Montanan's and our family has enjoyed the beauty, serenity, and privilege of leasing/owning Lot 29 at Elbow Lake. Our plan is to pass on this piece of paradise to our future generations to enjoy. Allowing a gravel pit/asphalt plant operation to be operating in this area will be extremely damaging and should not be allowed! As the DNRC website states:
The Montana Department of Natural Resource and Conservation's mission is to help ensure is to help ensure that Montana's land and water resources proved benefits for present and future generations. Please deny this application.

Patrick & Cathy Schwenk

Hello Zack!
My wife, Rebecca, and I oppose the proposed take and remove permit application! We have a summer home at Elbow Lake and feel the development of the proposed project would have a negative impact to our home and to the homes of or neighbors! The solitude and recreation value of oue properties would severly deminish due to the noise, lights, and other activities associated with the development and opporation to mine, crush, remove aggregate, and opporate an asphalt plant!. The site should be managed for recreation and not for mining. Mining has no place in this highly recreation area!
The Confederated Salish and Kootenai Tribe should be notified about the proposal! The Clearwater River drainage has historical significance to the Tribe and the proposal may negatively impact cultural sites! The site was part of a corridor linking the Clearwater with the east front of the Northern Rockies and the Blackfoot and ClarkFork Rivers. The proposal should have a cultural survey condukted instead of just moving forward and stopping opperations if something is discovered... no one at the site will be looking for cultural values!
According to Bill Rudiger, who is a safe passage coordinator for wildlife, State Hwy 83 has the highest wildlife/vehical collision rate in Montana (personal communocation)! This posses a human'wildlife safety concern. Vehival use at the propoed area may increase accidents, with associated fatalities. The area is located in occupied grizzly bear habitat. The proposal is a loss of habitat for grizzlies.
Please consider selecting another site to develop ,which has less impacts than Elbow Lake! Other sites along Hwy 83 are already developed and should be used istead of Elbow Lake! 17 years of opporation is much to large a footprint for the proposed site! 24 hours of opporation is unreasonable, and although not considered in this proposal , should never be permitted!
Sincerely,
Reebecca ans Jim Sparks

I am highly concerned about the 21 acre aggregate pit project near Elbow Lake. It interrupts a game migration trail that crosses from the Boyd Mountain Game Reserve to a point where they cross the river. It will interrupt elk, deer, bear (grizzly bear) from crossing. It will also affect the native fish in Elbow Lake. I am also concerned for the people who have had cabins in that area for many years, using them as a summer recreation site. The aggregate project would definitely interrupt their summers in the Elbow Lake and surrounding area. It would also destroy the landscape! Please reconsider the aggregate project, as I'm sure there are other sites, like the one near Seeley Lake that could be used.
"I live in Atlanta, Georgia and have had the fortune to visit several locations in Montana. Over 20 years I have watched areas develop and it always is a bit of disappointment when I return and see a wonderful pristine vista gone and developed. I normally have the pleasure of closing out each of my trips in the serenity of Elbow Lake. To my disappointment I hear that there is consideration of permitting a gravel and asphalt plant on 21 acres near Elbow Lake/the Clearwater River, across from the Blackfoot Clearwater Game Range and the “Last Best Place Cemetery”. And this is the route I took to experience beautiful Glacier National Park. This is peaceful serene section with Elk and Grizzly bears that I have had the pleasure of witnessing. I have learned that there are many other gravel pits in the area. So why would you take one more section of your beautiful state and destroy what so many of us travel to there to enjoy? I travel to Montana to escape the development of these types of poor decisions. The pit and plant would be visible from the highway (Hwy 83) and it would be smelly, dusty, toxic and busy and therefore would bring the traffic of big trucks on a constant basis. From a frequent traveler to Montana, I would beg you to deny this permit. Find areas that tourist will not have to experience the noise, dust, and disruption this would bring to a beautiful area of your state.

Respectful Tourist,
Jana Stevenson-Waln

Having read the comments in Appendix A attached to the final draft of the Elbow Lake gravel test pit application by LHC,Inc to the DNRC, I find myself in agreement with all whose comments were included there to date. The proposed gravel pit location is in a very narrow portion of the valley where wildlife crossings are very concentrated. The permit application is for testing pits, the work to, apparently, be done over the course of a few days in winter. The testing proposal does not address the scale and duration of the gravel mining operation, a permit for which has, I assume, been applied for, which will surely have an enormous impact on the land, water, wildlife and humans in the area. Having driven between Missoula and Seeley Lake many times, it occurs to me that the Highway 83 reconstruction and widening project along Salmon Lake will require the removal of what looks like more than enough rock, sand and gravel to supply what will be needed to grade and pave the highway along Salmon Lake. There already are several gravel pits north of Salmon Lake where rock and gravel could be crushed and sorted and where an asphalt plant could be located. Please do not issue either the Elbow Lake testing permit or the gravel mining permit. Neither are necessary nor desired.
Thank you for your consideration

Nat Sturgis

I have read the other individuals comments on this project and so far found they held the same opinion as I have. So in addition to the concerns about the dust, noise, environmental hazards and potential for the test to lead to the gravel pit being allowed, I cannot imagine that under your guidelines you would even consider a gravel pit and/or possible asphalt plant in that particular location. It is one of the routes to Glacier park and with views of the Bob Marshal Wilderness and the Mission mountains is suggested to out of state visitors because of the pristine beauty of this drive. Gravel pits I know are necessary but why here? That whole area near Elbow lake is lovely. The Blackfoot game range is spectacular and has a healthy elk herd. The cemetery, Best Last Place is well maintained and interesting. There are raptors nesting in this area. These kinds of locations are becoming so very important as they dwindle in number in Montana. There are other options surely to complete this project. Please consider strongly also the long term effect of this decision.

Margo Sturgis

Please deny the gravel mining permit and asphalt pit near Elbow Lake/the Clearwater River and across from the Blackfoot Clearwater Game Range and the “Last Best Place Cemetery” in this scenic corridor in the Clearwater-Seeley-Swan valley that is the gateway to Glacier National Park. I live in Seattle WA and 10 years ago went to visit this unique natural wildlife habitat . I will never forget the beavers, fox, deer, elk, and mountain lion. This is a place of Key wildlife habitat of national significance that should not be damaged by issuing a permit for private use that will cause undue harm. Thank you for your action to deny this permit. Please advise me of your decision . Thank you!
Ann Sutphin

April 14, 2023

Zack Winfield
Department of Natural Resources and Conservation
Minerals Management Bureau
1539 11th Ave
Helena, MT 59601

Dear Mr. Winfield,

Thank you for this opportunity to comment on the proposed Elbow Lake Gravel Project. Thanks also to DNRC for a very-well presented, user friendly, and informative website to facilitate information transfer and public comment. Good work, you all.

From the information provided I understand that MDT will be reconstructing a portion of Highway 83 near Salmon Lake and that MDT has awarded the contract to perform this work to a company named Kiewit, and Kiewit is subcontracting the aggregate production and haul portion of the awarded contract to a company named LHC, Inc. LHC is currently permitted to provide the aggregate from an existing pit source near Browns Lake, which is approximately 50 miles from the job site. Following contract award, and to save haul costs, LHC has proposed (and is applying for two necessary permits from DNRC and DEQ) to develop a new pit at the subject Elbow Lake site, which is only two miles from the project, a substantive cost savings to the contractors.

Although I understand that there is often pressure on agencies to accommodate contractors and support cost savings for industry, we also know that an agencies such as DNRC and DEQ have many other considerations, statutes, and guidance, to fully and adequately serve the public interests and values. Because of the multi-resource considerations that likely present both direct and indirect negative impacts, I'm asking that DNRC deny LHC's permit application to disturb and develop the proposed site above Elbow Lake. After consideration that Kiewit has already prudently cost-factored, bid, and been awarded the contract under current permitted conditions, and, addressing all salient issues in during the MEPA process, I believe that the DNRC should come to the same conclusion.

Although there likely are additional important issues, I would expect that MEPA would fully assess at least the following:

- Aesthetic values relative to setting at what is essentially the "gate" to the Seeley Lake Community and all the beauty, grandeur, and recreational value that the Clearwater Valley provides. A place that attracts thousands for its beauty alone. Are public officials/commission/Chamber of Commerce of Seeley Lake fully aware and engaged?
- Impacts to private landowners with residences within very close proximity to the proposed pit. Impacts that could very directly diminish their property values, and for certain impact the quality of their lives as it relates to noise, aesthetics, water quality and wetland values on their property, perhaps water supply, among other.
- Wildlife security as it relates to both sensitive and ESA species. Although the site is immediately adjacent to a state highway, movement patterns and security do not need additional stresses in this corridor, and especially near the Game Range.
- Cultural resources and potential historic or prehistoric values to protect
- Potential hydrologic issues, requiring that the pit be designed properly to avoid runoff and concentrated flow during severe weather events and frozen-ground runoff scenarios – because the river/Elbow Lake, ponds, and wetlands are within distances that sediment delivery could affect water quality, as well as accelerate eutrophication
- Asphalt plant – I didn't dive deeply into the project, but the immediate material doesn't portray an asphalt production. Asphalt production in this area would exacerbate issues beyond the immediately disclosed aggregate production.

I also question if Kiewit was awarded the contract through mandated competitive bidding process (including aggregate quality, pricing, and other items based upon utilizing the current permits), if there may be a legal issue with allowing the scope and major project cost elements to change after the award. If this is a case, a MEPA assessment and associated personnel costs would not be in the state's or taxpayer's best interest, as MDT may be subject to legal claims by other vested contractors that bid the operations. I believe that both DNRC and DEQ should have this conversation with MDT and assure that this proposal even be considered.
Finally, I don't fully understand how Trust lands receive aggregate royalties, but I assume that aggregate royalties would be collected for the current pit near Brown's Lake (if it exists on Trust Lands), which makes authorizing a new permit to be of more singular benefit to the contractor because royalties would likely be somewhat equitable for both site usage(?).
There are tradeoffs with most any proposal, and we all use Montana's highways. And, it is from these highways that we access, utilize, and fully experience Montana's values. As such, it is incumbent upon public officials to weigh the tradeoffs. Specific to the proposal under evaluation, and the nature of aggregate and asphalt development sites, I believe that the geology of the Blackfoot basin allows usage of current, and development of new, barrow pits that have much less issue and impacts than the proposed site development near Elbow Lake/gateway area to the Clearwater Valley and Seeley Lake. It is the balance of multiple resource and public value costs and impacts versus more singular benefit that I hope will be given full consideration and evaluation – this and perhaps due consideration of noncompliance with competitive bidding processes by MDT, if in fact MDT has already awarded the contract.

With all due respect of your service to us. Sincerely,
/s/ Traci Sylte

Traci Sylte

The site of the proposed gravel pit and asphalt plant is in the heart of vital habitat for wildlife. There is already a developed site that can be used instead of creating an eyesore and potentially affecting the elk and other animals that use this area. Please reconsider using this site. Thank you.

Sharon Teague

Pit to operate intermittently based on need for highway projects? What is the actual expected duration this pit would be operating and will land be returned to the present state ?

Pauline Tomsich

Highway 83 is one of the most beautiful drives in Montana. Why do you want to destroy it with a gravel pit and asphalt plant ? The beginning of this highway from the Clearwater junction is so scenic , and that area is a major crossing for the area wildlife. How will this affect all the osprey that nest along that section of the highway? There has to be a less obtrusive location other than this one. People come to Montana for its scenery and wildlife Not for its roadside gravel pits and asphalt plants. Find another spot some where any where but not there.

Joe Veghts

I frequently travel to this part of Montana. We own a family farm in Tennessee and it would be tragic to see the development that is occurring around our farm take place up in your state. I understand that there's always a need for gravel and asphalt as communities continue to develop, but there are already alternatives in the area. It would be tragic to see the next time I visit this beautiful section of highway and home to many wild animals destroyed. This is the reason I visit to experience the wilderness and beautiful surroundings of your state, and hope that you deny this permit.

Davis Waln

To whom it may concern:
We are currently property owners on Elbow Lake less than a mile from the proposed mining operation.
In a 1999 landmark decision, MEIC v. Montana DEQ, the Montana Supreme Court ruled unanimously that Montanans' constitutional right to a clean and healthful environment (Article IX, Section 1) is a fundamental right and one that is intended to be preventative in nature.
We want to be very clear: We will never agree to allow any activity related to mining on the state land in question. We contend that any action that is associated with mining is a direct violation of the Montana Constitution when said actions are performed anywhere near human activity. A gravel mine will create many types of pollution that directly and negatively affect our health and the environment. Therefore, any mining operation in this area is unconstitutional.
In addition, when we were attempting to purchase our property in 2017 and 2018 from the DNRC and the Land Board, as part of the appraisal process and hearing, we argued that a similar prior gravel and mining proposal in the vicinity of Elbow Lake should have lowered the value and purchase price of the property we intended to purchase. The response from the DNRC and the Land Board was that the gravel pit proposal had been abandoned and there were no future plans for a gravel pit or any mining project in the vicinity on DNRC land, therefore there should be no reduction in value and price. That response, which we relied upon in purchasing the property, was clearly not true.
Furthermore, the access easement to the road to our property, which we purchased in 2018 in addition to our property, indicates that the Department (and other users) shall not ""reasonably interfere"" with our use of the road and our property. Any mining activity or gravel pit will

arguably and clearly unreasonably interfere with our use of the road and our property, therefore any mining project affecting the road and our property will be in clear breach of the access easement we purchased from the DNRC and Land Board in 2018. We believe that numerous other purchasers of Elbow Lake parcels in the past five years from the DNRC and Land Board received identical road access easements and will also suffer unreasonable interference with their use of the road and their properties if any mining activity takes place in the vicinity of Elbow Lake.
We intend on making the Montana DNRC responsible for taking this preventative action immediately by not approving any-and-all mining activity on the state land in question.
Thanks in advance for taking our objection seriously and acting in a preventative manner in accordance with the Montana Constitution and adhering to access easements that are already in place.

Sincerely
Tom and Kathleen Ward
Patrick and Mary Dougherty

We oppose the gravel mining application by LHC Inc. for the following reasons:
A gravel mining, crushing and stockpiling operation such as the one proposed will create excessive noise and dust conditions that will negatively impact wildlife and residents of the area. This location is an environmentally sensitive area near the Clearwater River and adjacent to a large Montana Fish Wildlife and Parks wildlife management area that is closed for nearly half the year for wildlife protection. The area is home to nesting osprey, and bald eagles. Within the las 12 months we have personally viewed grizzly bears, black bears, otters, fox, beaver, stoats, golden and bald eagles, deer, elk, common loons, trumpeter swans, wood ducks, mallard ducks, mergansers, buffleheads, red tail hawks, sandhill cranes, Canadian geese, and songbirds.

The application is for a gravel mining operation, and apparently the operation of an asphalt batch plant will be part of the land usage. This effectively makes this a staging area for the upcoming highway project. That means not only mining, crushing and stock piling aggregate for the project and production of hot mix asphalt, it also means LHC would be using the site to park, service and maintain their equipment and trucks (they may even have workers camping on-site). This requires storage of fuel, hydraulic fluid, and motor oil. They will be trucking in thousands of gallons of hot liquid asphalt for the production of asphalt pavement. High risk for environmental damage. A staging area at this location will effectively extend the work zone for the project by at least two miles.
The applicant is proposing to DNRC that approximately 110,000 cubic yards of material will be mined. According to the project plans for the highway project around Salmon Lake approximately 40,000 – 50,000 cubic yards of aggregate are needed. That leaves 60,000 to 70,000 cubic yards of waste material. The applicant is proposing to the Department of Environmental Quality (DEQ) that reclamation is not completed until 2040. We don’t know if the applicant will even still be in business in 2040.

A gravel operation as proposed at this location is unnecessary as there are multiple other already permitted gravel sites available for this project including:

Reinoehl Site	#1593 Riverside Contracting
Richards Pit #2	#1615 Richards Development Co.
Paws Up/HWY 200	#1485 Monroe Development LLC
Seeley Lake #2	#758 Missoula County
John Richards	#683 Richards Development Co.
Heart Bar Heart	#3211 O'Brien Excavation LLC
Murphy	#372 Powell County Road Department
Jacobson	#377 Powell County Road Department
Mckee	#1666 Schellinger Construction
Mckee #3	#3324 LHC Inc.
Mckee	#2047 Powell County Road Department

Additionally, since the highway construction project that will be supported by this new gravel operation is substantially funded with federal money, any activity associated with this project should be subject to the National Environmental Policy Act (NEPA).
This gravel pit operation should be denied.

Jon & Lori Watson

I am a professional mine engineer with 8 years experience. I have spent every summer of my life in Elbow Lake. The skills I learned there afforded me the opportunities to travel the world and work at different mines.
I support mining. I am a true believer that 'If it is not grow, it's mined'.
The Elbow Lake gravel pit does not make sense. The residents and public have raised many good points about the environmental and sociological impacts. My concern is the reasons this site has been chosen and the sub-contractors ability to treat the site properly.
At best, the Elbow Lake gravel pit would save the sub-contrator a few *Cents* per ton of rock. That means that the sub-contractor has ran the numbers and put a dollar value on this land. Due to the lack of transparency, I am not able to run calculations myself on the mining activities, or the real scope of works they intend.
It is their right to request this permit. But in 10 years, when reclamation has been delayed, as it always does, will the residents of Montana look at the scar and say they are 'glad the contractor saved some money at least'.
In my point of view, this is selling a natural habitat. There are plenty of other sites, which have already been disturbed, that will provide the materials we need to continue highway and civil projects.
Please consider the alternative locations that already exist, the motives of the sub-contractor, and their ability to follow through on promises they are making when they want something from you.

I will continue to support low impact and responsible mining practices and if one was proposed here I would have supported it too.

Mitchell Weinstock

I recently learned a company, LHC, Inc. is seeking a permit to mine, crush, and remove gravel and operate an asphalt plant on more than 20 acres of State Trust Lands managed by the Montana Department of Natural Resources and Conservation (DNRC). Apparently, this permit would permit these activities through 2040.

When I looked at the map of the proposed gravel pit and asphalt plant that is posted on the DNRC website, I was horrified by its proximity to the Clearwater River and cabins on at least 30, perhaps more, State Trust Land sites leased in good faith, often for decades, by individuals and families who have been and remain good stewards of the land.

I write to urge the DNRC and Department of Environmental Quality (DEQ) to deny this permit. As a concerned Montana resident who is a frequent visitor to the Elbow Lake area, I am concerned about multiple adverse impacts – ecological, social, and economic – that would inevitably accompany this project, should it be approved. It would play havoc with wildlife corridors, habitat, and health. It holds terrible potential for worsening air and river/lake/watershed water quality. Over time, these deleterious effects will harm the interrelated biota of the area in predictable and unpredictable ways, both obvious and subtle. Elk, grizzly and black bears, and mountain lions all move through this terrain. This area is too beautiful, too rich in wildlife and abundant forest and plant life to irrevocably damage it.

Moreover, through the incessant production of noise, dust, other particulate matter, and odor – and even my own minimal research confirms that LHC has a long history of extending its worksite hours and scope on various projects, asking for changes, and more – it will instantly worsen the quality of life for longtime owners of cabins. And it will lower their property values.

The State of Montana's definition of "highest use," I hope, includes not only the profits of corporations and some spillover revenues for DNRC, but the well-being of longtime residents and the astonishing ecologies and wildlife diversity that give us all so much pleasure and bring visitors to our state, year after year.

To permit the aggressive industrial operation of a mining project at the nexus of irreplaceable wildlife corridors, a watershed, and long-established residential use would be wrong. Please deny this permit and look for alternative solutions, including continuing use of the already-established Brown's Lake pit, that will not produce such interrelated, lasting harms to humans and ecologies.

Thank you for considering my views.

Katherine Whitlock

I do not support the proposed gravel pit on Elbow Lake. I recreate at Elbow lake many times a year. A gravel pit would be too inpactful on the wildlife and beautiful environment. Please take this into consideration.

Leslie Wornath

Elbow Lake Gravel Pit Mailed In Comments

Date: March 29, 2023

I am unsure where to send this so it gets consideration. I also sent a copy to Kristen Dickinson at Greenough. JC Please see that it gets considered.

To: Department of Natural Resources and Conservation

From: Jerry Covault [redacted]

Subject: Gravel Pit and Asphalt Plant Adjacent to Highway 83

I have recently become aware of a permit application to mine, crush, and remove aggregate (gravel) on the State land adjacent to State Highway 83 within four miles of the junction with Highway 200. I understand the application also seeks to include an asphalt plant. I understand the application has been submitted to the Montana Department of Natural Resources and Conservation (DNRC) for analysis and approval or denial. The Department is soliciting public input on the application. The window for submitting comment is April 16, 2023.

The information I have been able to gather is incomplete and that is a significant part of the problem.

The following **ISSUES** must be considered in the DNRC evaluation of this application and it must be done in a transparent way, it is required by state law.

1) "**The Constitution of the State of Montana, ARTICLE IX**:
Section 1: The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations."

What will be the impact of this proposed gravel pit and asphalt plant on the clean and healthful environment that exists in the many square miles of this area?

2) The Montana Environmental Policy Act of 1971 REQUIRES that a Environmental Impact Statement be written to disclose the issues, explain mitigation and properly inform the public of the proposal and take public input as a part of the final document.

3) Highway 83 has the aesthetic potential to be designated a State Scenic Highway as exists for State Highway 1. By this letter I am asking DNRC and the State Highway Department to begin the process of evaluating and designating Highway 83 as a State Scenic Highway and set the environmental protections for such a designation.

4) This proposed gravel pit/asphalt plant is within, or within the general area of the Clearwater Big Game winter range for deer, elk that rely upon this winter range for their survival. In addition, wild predators rely on these ungulates for their survival. The proponents for the gravel pit/asphalt plant must provide an analysis of the impact the gravel pit/asphalt plant will have on the all wildlife, and the mitigation of all impacts. This discussion must be reviewed and commented upon by the Montana Department of Fish Wildlife and Parks.

5) The gravel pit/asphalt plant will affect the landscape aesthetics, the noise aesthetics, odor in the area and smoke in the now pristine air.

a) How will the proponent mitigate these impacts so there will be no effect on aesthetics, noise, ordor and air quality?

b) How will the proponent compensate for the adverse effects on the **quality of life** for residents and land owners that will be effected by this gravel pit/asphalt plant?

c) How will the proponent compensate land owners and residents within the area for the economic degradation of their property?

6) What will be the visual, noise, odor, and smoke effects of the proposed gravel pit/asphalt plant on the established outdoor recreation activities in the miles around this proposed gravel pit/asphalt plant. These outdoor recreation activities include: enjoying the beauty of a pristine aesthetic landscape, shed antler hunting, seeing wildlife, fishing, floating in the Clearwater River and the small lakes nearby with recreation facilities provided by the Montana Fish Wildlife and Parks? How will the adverse impacts on established outdoor recreation be mitigated?

7) What are the alternatives for the proponent to get the necessary gravel and asphalt for this highway upgrade project?

8) Why is this highway upgrade necessary? To drive faster? To save energy? To save accidents from happening? What?

9) What are the ALTERNATIVES for getting the necessary gravel and asphalt for this project? Explain what the alternatives are and the environmental and economic effects of each alternative on the proposed highway upgrade. And there are several alternatives.

This proposed gravel pit/asphalt plant is of such significance that you MUST meet the requirements of the **Montana Environmental Policy Act (MEPA)** The proponent must develop an Environmental Impact Statement with full opportunity for public input on the Draft Environmental Impact Statement and analysis of all the public and state agencies input in the Final Environmental Impact Statement.

This decision CANNOT qualify as an exception to MEPA!! Or, you simply say NO to this in-every-way offensive and ridiculous proposal **as our state constitution requires.**

Please respond to me concerning these issues and the requirements in The Montana Constitution ARTICLE IX and the Montana Environmental Policy Act.

Sincerely!

To DNRC: 03/24/23

Please re-think any plans to allow the plans for any asphalt, gravel pit site to establish itself between Elbow and Salmon Lake on Hwy 83. There must be an impact study first, by law, to determine that this will not adversely affect the welfare of the fish, wildlife and residents of this area.

The waste of this plant is right where the migratory corridor runs between Salmon Lake and the Blackfoot river. In addition, this is going to cause extreme trauma and displacement to the wildlife in this area. My family has a five generation cabin in these parts and have enjoyed the wildlife, and mostly the fishing and peace and quiet that it gives them when they go up there weekly from a long week of work and school.

My second biggest concern, and probably the most problematic is going to be the noise pollution. There is going to be an agregious increase in the amount of trucks coming and going, causing noise and dust pollution. This is not what the cabin and homeowners deserve. In addition, many people have just recently bought the land under their cabins in order to enjoy them forever.

I am curious as to when this organization applied for a permit. Can you give me a date? Is their permit in limbo at this point with the answer dependent on public opinion?? I need answers. Is this plant up to working with the public?? I await an answer from you.

I would truly like some answers and information from you, please.

Sincerely,

Stephanie & Tony Croonenberghs

Stephanie and Antony Croonenberghs

[redacted]

The **Clearwater Resource Council** is submitting these comments regarding significant concerns about the proposed gravel pit and asphalt plant for DNRC lands near Elbow Lake. Our comments are based on four different areas of concern.

Clearwater Resource Council

1. Stormwater runoff and surface water contamination

The proposed pit footprint is located in a swale that drains to jurisdictional wetlands, Elbow Lake, and ultimately the Clearwater River (Figure 1).

Figure 1 (see page 3) shows the results of a terrain analysis performed using a 10 meter grid digital elevation model (DEM). Using hydrology tools of ArcGIS (https://desktop.arcgis.com/en/arcmap/latest/tools/spatial-analyst-toolbox/an-overview-of-the-hydrology-tools.htm), a flow accumulation raster (or grid) was derived indicating how water flows across the surface of the earth, specifically here, how stormwater runoff flows across the footprint of the proposed pit. The patterns of flow accumulation are expressed as normalized contributing area (units of meters) and appear as streaks of light to dark blue. Darker blue areas shown on Figure 1 are where more stormwater runoff accumulates and travels to local base level of ponds and Elbow Lake. Figure 1 shows that stormwater flows from high ground to the east, across Highway 83, to lower ground to the west, terminating in ponds and Elbow Lake. The 2 meter contours show a large swale through the center of the pit footprint where runoff concentrates and is then routed to water and sediment sinks including ponds and Elbow Lake, through small valleys. These patterns of runoff, or more simply, flowpaths, cover a significant portion of the pit footprint.

The consequence of this interaction is an enhanced opportunity for the transport of contaminants, both sediment and chemical, to the downstream sinks of the ponds and Elbow Lake. These waterbodies are jurisdictional and would need to be monitored for contaminants.

Stormwater BMPs may be helpful at limiting the transport of contaminant-laden runoff but will impound stormwater within the pit footprint creating a ponded area. This ponding of contaminated stormwater will increase the potential for infiltration and groundwater contamination. There is also the significant risk of impounded water being released during high runoff periods and depositing sediments and contaminants into the ponds, Elbow Lake, and the Clearwater River.

2. Groundwater contamination

The subsurface of the pit footprint and surrounding area is coarse-grained alluvium and glacial outwash, with high hydraulic conductivity meaning the surface contaminants can readily flow through these soils. Resulting infiltration rates of contaminated stormwater runoff are expected to be high, with little natural attenuation (which results when flow travels slowly through subsurface media). The presence of nearby ponds also points to relatively high shallow groundwater levels such that contaminants would only have to infiltrate soils a short distance to impact groundwater. Groundwater recharge of contaminated runoff to Elbow Lake is a nontrivial possibility.

3. Air pollution

Asphalt plants are known sources of airborne pollutants, specifically:

- Fine particulates (PM10)
- Sulfur dioxide
- Nitrogen oxides
- Volatile organic compounds
- Carbon monoxide
- Polycyclic aromatic hydrocarbons

These emissions will require environmental controls. Effective controls will be expensive and require monitoring by the state.

4. Sensitive area for wildlife habitat and wildlife movements

A significant concern is the location of the proposed pit in a critical wildlife area, being directly adjacent to the Blackfoot Clearwater Game Range and in an area heavily used by wintering and migrating big game (elk, mule deer, and white-tailed deer, along with black and grizzly bears, and other wildlife). The Seeley Lake Regional Land Use Plan identifies the proposed pit area as being in a Resource Protection I zone, with a proposed use being non-commercial and with a maximum residential density of 1 dwelling/160 acres. A gravel pit and asphalt plant are totally inconsistent with this recommended land use. In addition, the Land Use Plan has identified this area as a Migration Corridor. MT FW&P data recognize the important movements of elk, deer, bears and other wildlife through this area in order to access the adjacent Blackfoot Clearwater Game Range and its connection to the Blanchard Creek and Lost Prairie areas. Recent elk telemetry data collected by MT FW&P document that elk readily use this area as a corridor into the game range, and use this site regularly during the winter as winter habitat. The presence of the pit will generate a large amount of equipment operations, with associated noise and heavy human disturbance. The proposed asphalt plant would add to this noise and disturbance. These activities would disrupt wildlife movements and impact the use of the adjacent Game Range.

The Game Range is closed to human visitation from mid-fall through early May to reduce disturbances to wintering wildlife. Why would a disturbance the magnitude of an open pit gravel mine and associated asphalt plant ever be considered an appropriate activity in such a sensitive area? Wildlife are sensitive to the noise such operations would generate and especially to the presence of heavy human activities including large construction equipment. Wildlife have experienced losses of critical wintering areas throughout their ranges, and the need for the Game Range to maintain big game populations for the entire surrounding landscape including the Bob marshal Wilderness needs to be recognized. Significant efforts were put forward to create the Game Range and maintain its quality for wildlife. For example, MT FW&P, working with MDOT around 2008, purchased 30 acres directly adjacent to the proposed gravel pit for over $1 million to keep a proposed 20 unit housing development from going forward. If the adjacent 30 acres is worth this much money for its wildlife value, this indicates the value that would be lost if a gravel pit were put in at this location- not only on the 20 acres of the gravel pit, but on the adjacent land that was purchased for its wildlife value. Has this economic loss even been factored into the consideration of this proposal?

The presence of the proposed pit and asphalt plant directly adjacent to the Game Range undermines the conservation efforts that have helped maintain wildlife populations in the Clearwater Valley as well as the Bob Marshall Wilderness. This is simply not an appropriate location for such construction activities when alternative sources of gravel are available, as MDOT has indicated exist. Economics that only benefit LHC and DNRC should not be a primary factor in making decisions about locating a proposed pit and asphalt plant in such an important wildlife area.

MT DNRC has indicated that if this project doesn't move forward, then alternative places where equivalent monies can be generated from DNRC lands should be identified. If this is a bad location for such activities, then it certainly doesn't mean that the potential monies it might generate for DNRC, with significant levels of impact to other resources, need to be compensated for in some manner. A bad location is a bad location, and no forgoing of revenues from potentially making such a bad decision should be expected to be compensated for in some other manner. DNRC has additional responsibilities to the public of Montana including not causing significant impacts to wildlife resources, water quality, and other values beyond their objective of generating monies through commercial or other activities on its lands.

CRC comments continued

In summary, there are multiple significant red flags associated with this proposal. It is sited on highly permeable material, on a landform that accumulates and concentrates runoff and efficiently transports it, both as surface and subsurface flow, to jurisdictional wetlands, ponds and Elbow Lake, and the Clearwater River. The impacts to wintering wildlife both on-site and in the adjacent Game Range would be considerable. It will also be impactful to wildlife movements through the area. We request this permit application be denied, particularly given the availability of other aggregate sources.

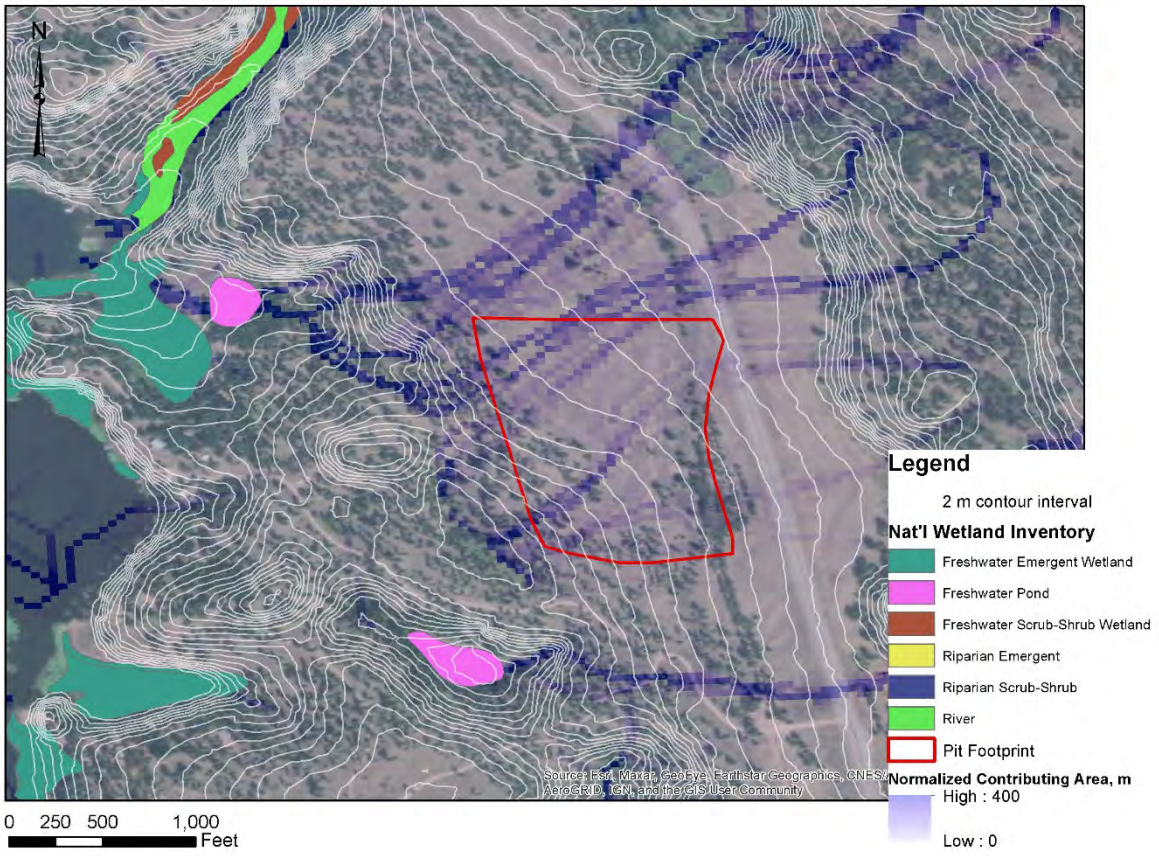


Figure 1. Map of proposed pit mine and asphalt plant location and water runoff directions.

COMMENTS TO DNRC IN REGARDS TO THE PERMIT APPLICATIONS FROM LHC FOR AGGREGATE TAKE AND REMOVAL ON THE WEST SIDE OF HIGHWAY 83, AT MILE MARKER 3.3

The Montana Department of Natural Resources and Conservation (DNRC) has provided public notice and solicitation of comments regarding a pair of permit applications from a company called LHC, headquartered in Kalispell, Montana. These two permit applications are to mine, crush, and remove aggregate (gravel), and operate an asphalt plant. The proposed gravel pit would be located on the west side of highway 83, at approximately mile marker 3.3; which is property owned by the State. The DNRC has provided a commenting window from the public until 4/16/23.

This letter is our response / comments to these two permit applications. I am writing on behalf of the River Watch HOA. I am an HOA Board member, and have received the approval and support of our HOA members to submit this letter on behalf of the HOA membership. River Watch is a residential development of 15 lots, located along the Clearwater river, extending from approximately mile markers 3.8 to 4.7 of highway 83.

The members of the River Watch HOA believe these two permit applications should be denied. Our comments to support denying these permit applications are provided below.

Our comments address 4 main concern issues; (1) negative impacts on nearby residential areas; (2) negative impacts on the existing wildlife in the area; (3) the lack of necessity for this gravel pit; and (4) the detraction of the natural beauty of this stretch of land along highway 83. Following are our comments elaborating on these four concern issues.

1) **Negative impacts on nearby residential areas**

The proposed gravel location is very close to a number of residential areas—Elbow lake, River Watch, and homes located along highway 83 north of the junction with highway 200. There is also a well used campground at Harpers lake in this area. The proposed gravel pit is also within a few hundred yards of the Clearwater river. A gravel pit and asphalt plant in this area will create noise and air pollution, impacting not only nearby residents, but also the wildlife that frequent this area. Traffic congestion and danger will also an issue as the large trucks enter and exit the gravel pit location onto highway 83. This concern will be heightened during the summer months when vacationers, seasonal residents and tourists will be competing for use of the highway with these large trucks.

It is our understanding that the Montana Supreme Court established a constitutional right to a clean and healthy environment in its decision in the 1991 case of MEIC vs. Montana DEQ (ref. Article 1X, Section 1 of the State constitution). Also, under the Montana Environmental Policy Act (MEPA) of 1971, the DEQ and DNRC are to require that an environmental impact statement (EIS) be prepared for this gravel pit / asphalt plant application, and that this EIS be made available for public comment prior to any decision on the applications. I am not aware of such an EIS for these applications. There were Department responses of an environmental nature to comments to the fore-runner application for test drilling to assess the potential for a successful mining operation, however, this is short of a formal EIS, and addressed only the impacts of the test drilling, not the full operation of a gravel pit. Is an EIS being prepared for

the gravel pit applications, and if yes, when will it be available for public review and comment?

2) **Negative impacts on nearby wildlife**
The requested gravel pit and asphalt plant would be located on State land adjacent to the Blackfoot-Clearwater Game Range. Literally across the highway from the game range (mile post 3.3 of highway 83). This property is essentially an "unofficial" extension the game range in its use by wildlife. It serves the wildlife for grazing, access to the Clearwater river, and migration travel. We offer three specific comments related to wildlife concerns. First, this will clearly be a disruption and deterrent to the wildlife use of this land. Second, noting that the two permits being requested are with State agencies that are focused on natural resources and mining rather than wildlife, it would seem appropriate to solicit , if not require, input and comment from the Montana Department of Fish, Wildlife, and Parks, as wildlife is their focus and expertise. Third, this particular parcel of land was acquired by the State not that many years ago from a private individual who had wanted to create a housing development on this property. Missoula County denied this housing development, and not long after this denial, the State took steps to acquire this parcel of land, presumably to preserve it in its natural condition, for the benefit of wildlife. A 17 year permit for a 21 acre gravel pit and asphalt plant would be very contrary to the State's original intent in acquiring this property.

3) **Lack of necessity for this proposed gravel pit**
LHC (the company that has submitted the two applications) has already obtained the subcontract bid to provide the aggregate (gravel) for the soon to start reconstruction of highway 83 around Salmon lake. LHC currently holds a permit to extract aggregate (gravel) from a location near Browns lake, approximately 25 miles from the highway reconstruction area. In submitting their bid to provide the aggregate, and accepting the contract to do so, LHC had to be relying on their existing permit from the Browns lake location. This Browns lake location presumably was adequate to support their bid for the work, and also the 50 mile round trip travel distance would have been factored into their bid price. Therefore, the new permit applications are NOT an necessity, but rather a convenience and profit enhancement. LHC has indicated that the round trip distance from their Browns lake gravel pit is 50 miles, whereas the round trip mileage from the proposed gravel pit is only about 4-5 miles.

There is a second issue related to the lack of necessity—the reconstruction of highway 83 around Salmon lake is projected to be approximately 2 years, however the permit applications submitted by LHC are for 17 years in duration (until 2040), which clearly says they are looking way beyond the highway reconstruction project. In this regard, it is noted there are currently two existing gravel pits in the Seeley lake area—so do we really need a third long term gravel pit?

4) **Adequacy of site reclamation**
LHC's proposed reclamation plan (to take place some 17 + years down the road), is to use the topsoil and overburden salvaged from the mining site to re-spread on the mined area to support revegetation, and the area will be reseeded with native grasses. This is all well and good, but we have two concerns with this plan. First, it will leave a large forever "scar" on this land, as there is no intention of replacing the extracted gravel with other fill material to bring the mining hole back to normal elevation. The application asks for a 21 acre mining pit, excavated to depth of 20 feet. This will leave a substantial hole in the ground, perhaps as

much as 18 feet deep.LHC acknowledges that there will be a substantial hole in the ground at the conclusion of their excavation / mining activity, as they address the slope angle from the normal elevation to the elevation of the remnant hole. Our second concern is the scenic beauty enjoyed by all who drive along the highway 83 corridor. An operational gravel pit/ asphalt plant, clearly visible from the highway, and in operation for a period of 17 years, will be a detracting eye sore and forever scar on this parcel of land.

For these reasons, the people of the River Watch HOA oppose the approval of the two permit applications by LHC to develop a gravel pit and asphalt plant along highway 83 at approximately mile marker 3.3.

[redacted]

Thanks you for taking the time to read and reflect on our comments.

Wayne Dunn

Salmon Cove LLC
[redacted]
March 16, 2023

Department of Natural Resources and Conservation
Minerals Management Bureau
Attn: Zack Winfield
1539 11th Ave
Helena MT 59601

This letter is on behalf of Salmon Cove LLC. Our property is located on the south side of Salmon Lake.

While we clearly understand the need for planned improvements on Highway 83, we have serious concerns with siting a gravel pit at the Elbow Lake location and recommend finding alternative locations for this project.

Scenic Corridor

Highway 83 is a scenic corridor with minimal disruption of the natural landscape.

Mining gravel in this location, right next to Highway 83, is going to create a scar that will be visible for some time.

Is this the type of landscape that we want visitors and others who travel Highway 83 to see as an example of how we treat our landscapes in Montana?

This is part of a State scenic route (see following map). Should a scenic route have this type of development right next to it?

Add This Scenic Drive To Your Montana Bucket List Right Away

By mid-October, much of Montana has already seen its first snowfall… and this year is no exception. But we've still got a little time to travel before winter weather really gets in the way, so beat winter cabin fever before it starts by going on one final scenic drive of the season. The nearly 400 mile Montana Scenic Loop is a perfect choice.

Source: https://www.onlyinyourstate.com/montana/scenic- drive-bucket-list-mt/

Other Gravel Pits in the Area

It appears there are several other gravel pits close to this location. They are:

- One near the highway department facility on Highway 200 near Blanchard Creek.
- One a mile or two north of Seeley Lake on Highway 83.
- One just south of Seeley Lake on Highway 83.
- There was one proposed near the Cottonwood Lakes road several years ago. Do not know whether that permit was granted or not.

- It appears there was an operation near Highway 200 and Woolworth Road in the past.

- There may be others as well.

As show below on the Montana DEQ Opencut Mining Web Mapping Application, there are several existing Opencut mining permits within a few miles of the proposed site. What has been done to investigate the use of one of these sites? At least one is owned/operated by the Department of Transportation.

Is another gravel mining operation really needed with all of these facilities in the immediate area?

https://gis.mtdeq.us/portal/apps/webappviewer/index.html?id=7b60084bc4c444a19c9a7a0867e7635a

Wildlife use of this area

This area has extensive wildlife use by elk, deer, bears and other species and is adjacent to the State game range.

It is our understanding this is a path that is used by wildlife to reach the Clearwater River. The signs every winter on Highway 83 on both sides of this proposed mine warn drivers about wildlife crossing.

Ground Water Effects related to Elbow Lake Cabin Sites and Elbow Lake

Given the location of this proposed mine, there could be ground water effects on the Elbow Lake cabin sites and potentially Elbow Lake and the Clearwater River.

Your environmental analysis needs to look into these potential effects and conduct a hydrological study of this potential.

Bee Hives

There have been bee hives in this area the last few years. In light of the pressure on bees nationally, the importance of maintaining and encouraging healthy apiary areas is critical. Some analysis and accommodation are needed to provide for this use.

Rehabilitation of Site

If this permit is granted, a comprehensive site rehabilitation plan is needed along with a detailed plan to assure accountability for the implementation of this rehabilitation.

The proposed proponent/owner/operator should also be vetted on their past history of operation and reclamation of sites they have operated and whether this past history justifies granting them a new permit.

A bond to ensure complete rehabilitation should be required.

Traffic Issues on Highway 83

This proposal would have loaded truck pulling across the south bound lane of Highway 83 to go north in an area where drivers are accelerating after having slowed down along Salmon Lake. The visibility to the north is also limited because of the curve just north of this site.

It seems that this will create an unnecessary traffic hazard on Highway 83.

Avoiding Weight Station

This location will also allow trucks to avoid the weight station at Clearwater Junction. Is this in the best interests of State of Montana?

Environmental Review Requirements

The environmental review requirements have a very short time line given that the Highway 83 construction is supposed to happen this summer.

The environmental review of the proposed gravel mine on the Cottonwoods Lake Road took several years.

It is important that you do not short cut the environmental review of this proposal.

Proximity to Seeley Lake Cemetery

The location of the proposed gravel mine is in close proximity to and across the highway from the local cemetery. This siting and the associated truck traffic and disturbance is clearly not in keeping with the desires for peace and solitude of loved ones of those interred there.

Summary

Based on available information, we do not support this proposal. There appears to be several other alternatives in the area that would be less disruptive than this proposal and hope you will make a reasoned and environmentally sensitive decision in that regard.

Sincerely,

/s/ Orville L. Daniels

Orville L. Daniels
President, Salmon Cove LLC
[redacted]

CC

FWP
Headquarters Office
Randy Arnold, Regional Supervisor
3201 Spurgin Road
Missoula, MT 59804
Phone: (406) 542-5500
Fax: (406) 542-5529
Email: [redacted]

DNRC
Kristen Baker-Dickinson
Clearwater Unit Manager Clearwater Unit Office
48455 Sperry Grade Rd.
Greenough, MT 59823-9635
406-244-5857

MT Department of Transportation
Bob Vosen, P.E.
2100 West Broadway
P. O. Box 7039
Missoula, MT 59807-7039
406-523-5802

[redacted]

March 16, 2023

Dept. of Resources and Conservation
Minerals Management Bureau
Attn: Zach Winfield
1539 11th Ave.
Helena, MT 59601

Dear Mr. Winfield,

I hope the Department can find an alternative to a gravel mine near Elbow Lake. This location is adjacent to winter elk range and the Clearwater River. In addition, it is almost within sight of an annually active osprey nest. The noise and dust from a gravel mine would denigrate the wildlife values of the entire area.

I understand the purpose of state trust lands and know that this land supports the Pine Hills Correctional Facility. I hope that an alternative to this use may be found. Please consider these possibilities: (1) lease the land to new cabin holders. After initial construction (which could be mandated to be outside the osprey nesting season or elk winter range season), this is a quiet, occasional use. (2) Trade this piece of land for land elsewhere that does not have the environmental sensitivity that this land does. Surely, there is a more suitable piece of state land in this area that could be traded for this piece.

Thank you for your consideration.

Sincerely,

Kathy Heffernan

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804
406-542-5500
04-06- 2023

Zack Winfield
DNRC
1539 11th Ave.
Helena, MT 59601
406-444-2074

Subject: Initial Proposal Scoping Notice: Elbow Lake aggregate Take and Remove Permit

Dear Mr. Winfield:

Thank you for the opportunity for Montana Fish, Wildlife & Parks (FWP) to comment on the Montana Department of Natural Resources and Conservation's (DNRC) Initial Proposal Scoping Notice for the permit specific to:

1. Mine, crush, and remove an estimated 110,00 cubic yards of aggregate from ~21 acres of DNRC-managed State Trust Lands contained with NE1/4 NE1/4 Section 20, T15N, R14W.
2. An onsite asphalt plant on ~21 acres of DNRC-managed State Trust Lands contained with NE1/4 NE1/4 Section 20, T15N, R14W.

FWP is interested in commenting on the draft plan because some of the proposed alternatives could have direct impacts to fisheries, aquatic, wildlife, and vegetation resources. Additionally, FWP holds a land-use permit (permit #3061262) on the land proposed for the project.

The proposed gravel mine is directly adjacent to FWP's Blackfoot-Clearwater Wildlife Management Area (BCWMA). The BCWMA lands are specifically protected to provide critical wildlife habitat, including winter range for mule and white-tailed deer and a herd of ~800-1000 elk. Furthermore, grizzly bears, a Threatened species under the Endangered Species Act (ESA), occupy the BCWMA and surrounding land. Wildlife species diversity in the area is generally high because of the ecotone created between the montane grassland and surrounding forests. The proposed site occurs within a Tier I Community Type of Greatest Conservation Need (CTGCN; Montana SWAP 2015). Furthermore, all lands within 10 mi^2 of the proposed site are either Tier I (west of HWY-83) or Tier II (east of HWY-83) CTGCNs.

FWP suggests the following changes and/or mitigations to the chosen alternative that will help offset potential negative impacts to the fish and wildlife species and their habitats outlined above:

Vegetation

The proposed site is located directly on a montane rough-fescue grassland. This vegetation type is a habitat component for many wildlife species and is in decline regionally. Please give special consideration to remediation efforts on the soil and vegetation of the site after use. Any use of seeding should involve consultation with FWP staff to ensure the best seed mix consistent with other restoration within the Blackfoot-Clearwater watershed.

Fisheries Comments

1. As with current and former gravel mining operations, a common concern is the potential conversion of the pit to a perennial pond when extraction ends. Fishponds, particularly those immediately adjacent to a highway, are magnets for unauthorized and incidental introductions of fish and other organisms that

threaten native aquatic populations, as these organisms inevitably end up in the adjacent streams. If the project is implemented, FWP recommends thorough reclamation and recontouring to minimize surface water retention and consistent standing water. Although several former gravel pits have been converted to popular public fishponds in the region, the gravel project site is *not* a preferred location for this type of development (particularly with Harpers Lake offering the same opportunity nearby).

2. If water is needed as part of the gravel and asphalt operation, what is the anticipated water source for the operation? A search of DNRC's "Water Right Query System" found that water rights associated with this DNRC land appear to be for domestic, lawn and garden, or irrigation purposes, and related to the cabin sites along Elbow Lake.

Wildlife Comments

1. More information regarding the type and specifics of the proposed asphalt plant and timelines associated with the project and reclamation completion would be helpful in fully understanding potential impacts to wildlife.

2. The location of the proposed gravel mining operation also lies in an area rich with wildlife values and species diversity. Wildlife values relevant to the proposed gravel mine include--but are not limited to--a migratory travel route for elk and white-tailed deer moving seasonally between their winter range on and adjacent to the Blackfoot Clearwater Wildlife Management Area and summer ranges along the Swan Range and upper Clearwater drainage.

3. Canada lynx (Threatened under ESA) occur in the general area. However, the immediate location of the gravel mine would be considered low-quality lynx habitat and would not be considered a significant threat.

4. Anything larger or longer term than the proposed ~20-acre project is not recommended as this site is already impacted by the highway, cemetery, and nearby state cabin-lease sites. In the fall, winter, and spring months there is extensive elk crossing along State Highway 83 between mile markers one and three, which includes the portion of the highway adjacent to the proposed site. Over the years FWP and MDT have collected numerous road-killed carcasses along this stretch of highway. In addition, this relatively narrow band of state land (between the east shore of the Clearwater River's Elbow Lake and State Highway 83) offers some north/south wildlife movement opportunities to enable wildlife to avoid the highway and lake-shore cabin sites. Although impacts to wildlife may be temporary, we are not clear on the duration of impact associated with this project. DEQ permitting (Dryland Permit 3473) indicates that reclamation must be completed by December 2040. Additional information in the EA should identify timeframes for the project including reclamation.

Large Carnivores Comments

1. Grizzly bears occur throughout the Clearwater and Blackfoot watersheds and regularly move north and south along the east and west sides of the Clearwater drainage. Over the years FWP has fielded multiple sightings of unmarked grizzlies and several GPS point locations from radio-collared grizzlies crossing along this stretch of State Highway 83. It appears that grizzlies on occasion follow the East/West Road from the core BCWMA area, from east of the highway and across the highway at this point to gain access to the river and the foothill regions of Blanchard and Lost Prairie creeks. Additionally, the electrified bee yard, operated by McClure Apiaries (Pasco WA), has been damaged by both black bears and grizzly bears on multiple occasions.

   Due to the presence of black bear and grizzly bears in the project location and the larger Clearwater valley, FWP notes the potential for conflict in the field between project personnel and bears. To avoid such conflict, we recommend:

   a. Guidelines should be implemented for the conduct of field operations--active mining, as well as later reclamation. These guidelines would be for any day-use and/or overnight work sites and campsites, including during and after work hours. Bears are attracted to oils, hydraulic fluids,

food sources, garbage, etc. that are often present in field operations. For example, in addition to the obvious problems with bears being attracted to food as well as used eating utensils and food containers, bears have been known to chew on and puncture hydraulic hoses.

b. Such guidelines should place heavy emphasis on human safety issues in bear country, as well as requiring adherence to all applicable guidelines relating to storage of food and potential attractants. It is imperative that the permit site--including but not limited to any temporary or long-term staging area, equipment parking area, and campsite--be required to "Keep Clean" daily, as well as final end-of-project clean up.

c. FWP would like to review such requirements and guidelines prior to the beginning of fieldwork. Our bear specialist Jamie Jonkel can help with "clean camp" information.

The Montana Natural Heritage Program website http://mtnhp.org/default.asp also identifies 21 SOC within the township where the project is proposed. The potential for seasonal disturbance and displacement of these species should be considered in evaluating the proposal and, if approved, efforts should be made to mitigate the impacts.

FWP Region 2 staff are interested in staying engaged during the implementation of this project and would greatly appreciate the opportunity to consult with the DNRC in advance of implementation within each focal area as you work through the project.

The following members of FWP's Region 2 team will be the primary contacts for this project:

1. Ladd Knotek, Missoula Area Fisheries Biologist, 406-542-5506, lknotek@mt.gov
2. Mike Ebinger, Seeley Lake Area Wildlife Biologist, 406-210-3479, michael.ebinger@mt.gov
3. Jamie Jonkel, Region 2 Conflict Specialist Manager, 406-542-5508, jajonkel@mt.gov
4. Torrey Ritter, Nongame wildlife biologist, 406-381-2339, torrey.ritter@mt.gov

We encourage you to reach out to our staff listed above with any questions or concerns about these comments. Thank you again for the opportunity to comment and we look forward to working with you in the future.

Sincerely,

Randy Arnold
Regional Supervisor, Region 2

Missoula County Commissioners

Mailing Address: 200 West Broadway
Physical Address: 199 West Pine
Missoula, MT 59802-4292

P: 406.258.4877 | F: 406.258.3943
E: bcc@missoulacounty.us

Missoula COUNTY

BCC 2023-063
April 13, 2023

Department of Natural Resources and Conservation
Minerals Management Bureau
Attn: Zack Winfield
1539 11th Ave
Helena, MT 59601

RE: Elbow Lake Aggregate Take and Remove Permit Application

Dear Mr. Winfield,

Thank you for the opportunity to comment on the Elbow Lake Aggregate Take Permit Application. According to the March 9 scoping notice letter, the permit application was submitted by LHC, Inc. for mining, crushing and removing aggregate from DNRC State Trust Lands and an asphalt plant within a 21-acre area near Elbow Lake. It is our understanding that the proposed aggregate activities would need to be permitted by the Montana Department of Environmental Quality, as well, and these comments are focused on the permit submitted to DNRC. At this early stage, our primary concerns relate to the potential impacts to wildlife habitat and water quality. In addition, the Seeley Lake Community Council sent us a letter outlining the concerns they have heard from community members, including the length of the permit, impacts to nearby homeowners, adjacent water and wildlife resources, and requesting an extension to the comment period (see attached letter).

The proposed activity would take place on a section of DNRC State Trust Lands located off Highway 83 and surrounded largely by public land, including additional DNRC land to the west and the MT Fish, Wildlife and Parks' Blackfoot-Clearwater Wildlife Management Area to the north, east and south. Beyond the adjacent ownership, there are additional public lands and conservation lands extending east and west creating a block that connects areas of intact, vibrant ecosystems. Many of the adjacent and nearby lands were conserved specifically for the protection of critical wildlife habitat, including mule and white-tailed deer, elk and grizzly bears which are identified as a threatened species under the Endangered Species Act.

The proposed activities are also located in an area designated as Resource Protection 1, which has the "highest values for biodiversity, fish and wildlife habitat, forest production, recreation, wetlands and other resources" in the Seeley Lake Regional Plan, adopted by the Missoula County Board of County Commissioners in 2010. The resource protection land designations within the Seeley Lake Land Use plan update are 'tiered' in terms of their value to wildlife and fisheries at a landscape level and the ability to maintain those resources at that level while concurrently providing for appropriate residential values on private lands, and the Resource Protection 1 is the tier with the highest level of recommended protection. While the plan states a

preference to keep areas designated as RP1 undeveloped, if development occurs, the guidelines outlined in the plan should be followed (pages 65 and 66), include minimizing site disturbance and visual impacts, and using native plants for restoration.

The proposed permit area is also near the Clearwater River and Elbow Lake, and we are concerned the proposed activities could impact water quality. The Clearwater River already has higher stream temperatures and nutrients, and gravel operations that expose subsurface water tend to facilitate warming of that water. In addition, gravel operations may create risks of petroleum contamination. Due to the potential for impacts, as the permit analysis moves forward, additional information should include any water discharge planned as part of the extraction operation as well as reclamation plans.

Thank you for considering our comments and we look forward to your response.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Josh Slotnick, Chair

David Strohmaier, Commissioner

Juanita Vero, Commissioner

BCC/ac

Seeley Lake Community Council
Seeley Lake, MT 59868

April 11, 2023

To: Missoula County Commissioners

Good morning,

At last night's Seeley Lake Community Council meeting our constituents asked that we listen to their concerns regarding the proposed Elbow Lake gravel pit requested by LHC, Inc., on DNRC School Trust land. It became apparent that this project has the potential to negatively impact our area, and is one that we should explore further.

Some of the concerns we heard were the following:

1. The contract itself extends into 2040, so the decision currently being made has the potential to impact the area for 17 additional years.
2. For people who have homes in the Echo Lake area, the project brings noise, dust, truck travel, asphalt plant fumes, to a currently quiet, pristine area.
3. The area in question is in close proximity to Clearwater River, directly across Route 83 from the Seeley Lake Cemetery and the Elk Range, as well as being next to the one road leading into Seeley Lake.

Since there are existing gravel pits in the area, our constituents question the need for additional gravel and asphalt operations which will bring these kinds of potentially unnecessary disruptions.

We recognize the need to generate funding for Pine Hills School utilizing resources on State Trust land, but we respectfully submit that the concerns of our local residents far outweigh the benefit this will bring to that equation.

We would like to request an extension of the DNRC public comment period so that people have time to learn more about the project, respond with their comments, and potentially suggest alternatives to this site and to the school fundraising needs that might be explored.

The current comment period ends April 16th. We are asking that it be extended to May 16th.

Thank you for your consideration in this matter.

Sincerely,

Members of the Seeley Lake Community Council

Appendix B: Response to Public Comment.

Methodology

The Montana DNRC sent potential affected interests an initial proposal scoping letter dated March 8, 2023 asking for comment regarding the proposed action. The scoping notice was also published twice in both the Seeley Pathfinder and the Missoulian. The comment period opened on March 16, 2023 at 8:00 a.m. and closed on April 16, 2023 at 5:00 p.m. During the comment period, the Department received comment via email, the postal service and Microsoft forms. In all, 90 unique comments were received on a variety of issues. Many issues within the comments were similar and have been listed below. The Department has included a reply to each of these categorical issues.

Wildlife and the Blackfoot Clearwater Wildlife Management Area

Wildlife resources were cited the most in public comment. The Montana FWP was scoped and replied with a comment letter that can be read in Appendix A of this document. The FWP suggested several mitigative stipulations which have been implemented into the potential selection of the action alternative. Further wildlife analysis can be read in resource sections 8 and 9 of this document. Wildlife Biologist, Garrett Schairer, of the DNRC constructed this portion of the document and analyzed the impacts to wildlife. Impacts to the BCWMA are evaluated in the wildlife sections 8 and 9 of this document, along with section 19.

Air Quality

Air quality resource concerns were communicated by commentors. The impacts to air quality for each alternative is included in section 6 of this document.

Water Quality or Quantity

Water quality and quantity concerns were communicated by commentors. The impacts to water quality and quantity for each alternative is included in section 5 of this document.

Visual Impacts

Visual concerns were communicated by commentors. Visual impacts to the environment are evaluated in section 11 of this document.

Move the Pit Elsewhere/Use another pit

Commentors communicated there are other pits nearby the proposed project area, that are already in operation. The Department is required to analyze the application as applied for. The utilization of nearby pits on private ground are not within the scope of this analysis.

Noise Impacts

Concerns regarding noise impacts from the action alternative were communicated by commentors. Noise impacts are evaluated in section 11 of this document.

Asphalt Plant

Commentors communicated concerns regarding air quality, water quality, and aesthetics as it pertains to an asphalt plant. Impacts to resources from the utilization of an asphalt plant are evaluated as part of the action alternative throughout the document.

Traffic Patterns

Commentors communicated concerns regarding changes in traffic patterns. The impacts to traffic for both alternatives are evaluated in section 18 of this document

Economics and Taxes

Commentors communicated concerns regarding tax revenue and economics mostly as it relates to tourism. Tax impacts and economics are evaluated in sections 17 and 24 of this document. Tax revenue generated from tourism is not expected to be impacted by the selection of the action alternative.

Human Health

Concerns related to human health were communicated through comments. Impacts to human health are evaluated in section 14 of this document.

Tourism

Commentors expressed concerns related to the impacts the action alternative would have on the tourism industry surrounding the project area. Impacts to tourism are evaluated in section 15 of this document. It is expected that the potential selection of the action alternative would have negligible impacts to the local tourism industry.

Cemetery

Commentors expressed concerns relating to the impacts the action alternative would have on the adjacent cemetery. Impacts to the cemetery are evaluated under the aesthetics section of this document, which is section 11.

Limited Natural Resources

Commentors expressed concerns related to the impacts upon limited natural resources. Those impacts are evaluated within section 12 of this document.

Wildfire Risk

Commentors expressed concerns related to the potential ignition source of gravel mining. Wildfire impacts are evaluated within this document in section 7, vegetation.

Cultural Resources

Commentors expressed concerns about impacts to cultural resources. Impacts to cultural resources are evaluated in section 10 of this document.

Seeley Lake Regional Plan

Several commentors referenced the Seeley Lake Regional Plan. Impacts to local management plans and zoning are evaluated within section 18 of the document.

Beehives

Commentors expressed concerns related to a land use license utilized for a bee colony on the tract. Impacts to the bee colony are evaluated in section 13 of this document.

Easement

Commentors expressed concerns related to the violation of an easement granted by the Department to a private citizen for access to their private land. Elbow Loop Road would not be utilized by pit activity, and the easement would not be impacted.

Devaluation of Adjacent Private Property

Commentors expressed concerns that the value of their adjacent private property would be impacted by the selection of the action alternative. The impacts to adjacent private property values are evaluated in section 21 of this document.

Public Hearing, Extended Comment Period, or Additional Comment Period

Under MEPA, the proposed action dictates the level and degree of scoping required. In this instance of the permit application, extending the public comment period or adding a comment period upon release of the environmental document would likely not add to the issues or other related information already identified during the 30-day public comment period for the MEPA analysis. The complexity of the project and the number of substantive issues already identified along with a limited number of individuals and agencies affected by the project do not warrant an extended comment period or public hearing.

Next Steps

A gravel permit will be issued and a pit will be developed. Administratively, there is no requirement for the analysis or permit to go before the Land Board for approval.