CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Take and Remove Aggregate Permit – Riverside Havre NW
Proposed Implementation Date:	May 2025
Proponent:	Riverside Contracting, Inc.
Location:	T34N-R16E-Sec 16
County:	Hill
Trust:	Common Schools

I. TYPE AND PURPOSE OF ACTION

Riverside Contracting, Inc., henceforth referred to as the proponent, has applied for an aggregate take and remove permit on the referenced tract in Hill County, Montana. The proponent has obtained an opencut mining permit from the Montana Department of Environmental Quality (DEQ) for this tract. Opencut permit number 3701 was approved by the Montana Department of Environmental Quality's Opencut Mining Bureau on May 9, 2025. In conjunction with the approval of the Opencut Mining Permit, the Montana DEQ conducted an environmental assessment in accordance with the Montana Environmental Policy Act. The Montana DEQ selected the action alternative and issued an opencut mining permit on 42.0 acres of State Trust Lands and private lands in Hill County, Montana. The current DEQ opencut permit allows for the use of an asphalt plant, conveyor, crushing equipment, pug mill, and a screen. If the proponent wishes to utilize the permitted area for the use of an asphalt plant, they must pay an additional rental fee through their aggregate take and remove permit. This analysis, as well as the DEQ analysis, includes the impacts of the use of an asphalt plant at any time over the lifetime of the pit.

The Montana Department of Natural Resources and Conservation (DNRC) has the authority to tier to an existing environmental analysis under Montana Administrative Rule 36.2.534. To tier to an existing document, the agency must determine that the following are true:

> a) that the existing EIS (EA) covers an action paralleling or closely related to the action proposed by the agency or the applicant.
> (b) on the basis of its own independent evaluation, that the information contained in the existing EIS (EA) has been accurately presented; and
> (c) that the information contained in the existing EIS (EA) is applicable to the action currently being considered.

An aggregate take and remove permit from the Montana DNRC, in effect is a landowner and operator agreement, similar to a lease. In conjunction with the DEQ opencut permit, the proposed action would authorize the proponent the ability to mine Gravel on Montana Trust Lands. The proposed action meets all the qualifications to be evaluated under ARM 36.2.534.

The Montana DEQ Opencut Mining Division's EA is attached to this document as Appendix A and is incorporated herein by reference. The Montana DEQ Opencut Mining Permit is attached to this document as Appendix B.

II. PROJECT DEVELOPMENT

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

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

- The proponent submitted an application for an aggregate take and remove permit.
- The DNRC Lewistown and Havre Unit was notified of the application.
- The proponent applied for and obtained the Montana DEQ opencut permit.
- Landowners within one-half mile of the open-cut boundaries were notified and presented an opportunity for comments per DEQ's rules. No comments were received.
- The surface lessee on the tract was notified of the application and was compensated for surface damage to their surface lease.

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

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

- Aggregate Take and Remove Permit – Montana DNRC
- Opencut Mining Permit – Montana DEQ
- Access agreements – The site is not accessible via public road. The proponent must obtain and keep access agreements for ingress and egress into the pit area.

3. ALTERNATIVES CONSIDERED:

No Action Alternative: The aggregate take and remove permit would be denied, and the proponent would not be authorized to mine for gravel on State of Montana Trust Lands. The impacts of the no action alternative are expected to directly correlate to the impacts of the no action alternative of the Montana DEQ Opencut Mining Division's EA.

Action Alternative: *The* aggregate take and remove permit would be authorized and the proponent would be authorized to mine for gravel on State of Montana Trust Lands. The impacts of the action alternative are expected to directly correlate to the impacts of the action alternative of the Montana DEQ Opencut Mining Division's EA.

SUMMARY OF POTENTIAL IMPACTS

The impact analysis will identify and estimate whether the impacts are direct or secondary impacts. Direct impacts occur at the same time and place as the action that causes the impact. Secondary impacts are a further impact to the human environment that may be stimulated, or induced by, or otherwise result

from a direct impact of the action (ARM 17.4.603(18)). Where impacts would occur, the impacts will be described.

Cumulative impacts are the collective impacts on the human environment within the borders of Montana of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through preimpact statement studies, separate impact statement evaluation, or permit processing procedures. The projects identified in Table 1 were analyzed as part of the cumulative impacts assessment for each 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.

The author agrees with the impacts to geology and soil quality, stability, and moisture as they are written in section 1. of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to water quality, quantity and distribution as they are written in section 2. of the DEQ opencut environmental analysis.

If the action alternative is selected, a special stipulation to prevent fuel leaks from impacting water quality will be added to the aggregate take and remove permit. The stipulation will mandate that all fuel must be stored in primary and secondary containment, or in double-walled containment, and that all equipment must be maintained and inspected to ensure that it not leaking hazardous materials or causing fire hazards.

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.

The author agrees with the impacts to air quality as they are written in section 3 and and partially in section 23 of the DEQ opencut environmental analysis.

As it relates to section 23 Greenhouse Gas analysis, of the DEQ EA, the author agrees that the proposed action will emit Greenhouse Gas in the amounts described in the DEQ analysis. However, the author of this analysis does not agree with the DEQ's assertion that these emissions will lead to atmospheric radiative forcing, or climate change. Climatology is a complex scientific area of study and

the author of this document does not make an assertion between any possible connections of greenhouse gas emissions and climate change.

If the action alternative is selected, a special stipulation will be added into the aggregate take and remove permit which will require the use of water to mitigate blowing dust onsite.

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.

The author agrees with the impacts to vegetation cover, quantity and quality as they are written in section 4. of the DEQ opencut environmental analysis.

If the action alternative is selected, a special stipulation will be added into the aggregate take and remove permit which will require the proponent to consult the DNRC for an approved seed mix prior to revegetation.

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.

The author agrees with the impacts to terrestrial, avian and aquatic life and habitats as they are written in section 5. of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to unique, endangered, fragile or limited environmental resources as they are written in section 6. of the DEQ opencut environmental analysis.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:
Identify and determine effects to historical, archaeological or paleontological resources.

Current Conditions

A Class III cultural and paleontological resources inventory was conducted by the Trust Lands archeologist 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. The proposed project will have *No Effect* 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 will cease until a professional assessment of such resources can be made.

Alternatives

No Action Alternative: The no action alternative is not expected to have impacts to historical and archaeological sites.

Action Alternative:

- Direct Impacts: Because no cultural or paleontological resources were identified, proposed scoria testing activities will have *No Effect* to *Antiquities* as defined under the Montana State Antiquities Act. If cultural or paleontological resources are identified during testing operations, all work will cease until a professional assessment of such resources can be made.
- Secondary Impacts: No secondary impacts expected.
- Cumulative impacts: No cumulative impacts expected.
- Duration: Any impacts would be expected to last the duration of the permit, until final reclamation.

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.

The author agrees with the impacts to aesthetics as they are written in section 8 of the DEQ opencut environmental analysis.

If the action alternative is approved, the aggregate take and remove permit will contain a special stipulation that the pit may be operated during daylight hours only.

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.

The author agrees with the impacts to demands on environmental resources of land, water, air or energy as they are written in section 9 of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to other environmental documents pertinent to the area as they are written in section 10 of the DEQ opencut environmental analysis.

The DNRC currently leases the proposed mine area for grazing. If the action alternative is selected, the DNRC's surface lessee would be compensated via a one-time damage mitigation payment from the

proponent. In the subsequent years, the surface lease would be amended by the DNRC to remove the acreage occupied by the mine from the surface lease until it can be reclaimed. Overall impacts to the surface lessee are expected to minor.

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.

The author agrees with the impacts to human health and safety as they are written in section 11. of the DEQ opencut environmental analysis.

As described in the air quality section of this analysis, if the action alternative were selected the aggregate take and remove permit would contain a special stipulation that requires the proponent to utilize water to mitigate dust dispersion from the site.

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

The author agrees with the impacts to industrial, commercial, and agriculture activities and production as they are written in section 12. of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to quantity and distribution of employment as they are written in section 13 of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to local and state tax base and tax revenues as they are written in section 14 of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to demand for government services as they are written in section 15 of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to locally adopted environmental plans and goals as they are written in section 16 of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to access to and quality of recreational and wilderness activities as they are written in section 17 of the DEQ opencut environmental analysis.

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.

The author agrees with the impacts to density and distribution of population and housing as they are written in section 18 of the DEQ opencut environmental analysis.

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

The author agrees with the impacts to social structures and more as they are written in section 19 of the DEQ opencut environmental analysis.

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

The author agrees with the impacts to cultural uniqueness and diversity as they are written in section 20 of the DEQ opencut environmental analysis.

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.

No action alternative: The selection of the no action alternative would deny the application for an aggregate take and remove permit. The trust beneficiary would continue to receive revenue from the surface lease on the proposed 42.0 acres. However, the beneficiary would not receive royalties from gravel mining operations.

Action Alternative: The selection of the action alternative would approve the application for an aggregate take and remove permit. The permit would include a $500 annual advanced royalty. This amount would be due upon execution of the permit and would be due annually, every year the permit is active. Annual advanced royalties are minimum amounts that are non-refundable. They act as a pre-

payment of material up to a certain volume. The permit would also include a $4,000 rental for 2025 for the operation of an asphalt plant. The agreement would include a $2.25 per cubic yard royalty. The Montana DEQ opencut permit includes an estimated quantity of mine material to be excavated and removed at 300,000 cubic yards. If the per yard royalty remains consistent at $2.25/cubic yard, and the full amount reported in the DEQ permit is achieved, the trust would expect to receive $675,000 over the life of the permit.

EA Checklist Prepared By:	**Name:**	Zack Winfield	**Date:**	5/15/2025
	Title:	Petroleum Engineer		

V. FINDING

25. ALTERNATIVE SELECTED:

After a thorough review of the Environmental Assessment (EA), the Montana DEQ Opencut Mining Division's Environmental Analysis, the project file, and all applicable Montana statutes and rules, I have made the decision to select the action alternative. The proponent's aggregate take-and-remove application will be approved, and the DNRC's Forestry and Trust Lands Division will enter into an agreement with Riverside Contracting, Inc. for the mining and removal of gravel on State of Montana Trust Lands located in Section 16, Township 34N, Range 16E, as described in this document.

This decision aligns with the mission of the State of Montana Trust Lands, which is to:

"Manage the State of Montana's trust lands resources to produce revenues for the beneficiaries while considering environmental factors and protecting the future income-generating capacity of the land." (*Forestry and Trust Lands Division Annual Report*, 2023, p. 4)

The selection of the action alternative is also consistent with MCA §77-1-601, which states:

"It is in the best interest and to the great advantage of the state of Montana to seek the highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools, the university system, and other institutions benefiting therefrom, and that in so doing the economy of the local community as well as the state is benefited as a result of the impact of such development."

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have reviewed and concur with the Montana DEQ's *Table 2: Assessment of Significance* as it pertains to Sections 4–23 of this document.

The following additional special stipulations will further mitigate potential impacts and will be included in the aggregate take-and-remove permit:

1. All fuel or other hazardous materials stored onsite must be placed in both primary and secondary containment systems, with the secondary containment equal to or greater in volume than the primary. Double-walled containment may be used as an alternative to separate secondary containment.
2. All equipment must be regularly inspected, maintained, and washed to ensure it is not leaking hazardous fluids, spreading noxious weeds, or creating an undue fire hazard.
3. A water truck must be used as necessary to suppress dust dispersion from the site.
4. The permittee shall consult with the local DNRC office for a recommended seed mix prior to site reclamation.
5. Operations may occur only during daylight hours unless a written exemption is approved by the DNRC.

These mitigation measures serve to eliminate or reduce many of the potential impacts identified in DEQ's *Assessment of Significance* table. Even without these additional measures, the DEQ concluded that none of the impacts evaluated in the document would reach a threshold of significance as defined in ARM 17.4.608. The issuance of an aggregate take-and-remove permit does not meet a level of significance requiring further analysis. The DEQ has determined that an Environmental Assessment (EA) is an appropriate level of review, and I concur that an EA is sufficient for the proposed action described herein.

I also conclude that selecting the action alternative is in the best interest of the trust beneficiaries and that the land's future income-generating potential will not be significantly negatively affected.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

	EIS		More Detailed EA	x	No Further Analysis

EA Checklist Approved By:	**Name: Josh Stoychoff** **Title:** Lewistown and Havre Units Manager
Signature:	**Date:** 6/10/25