

## ENVIRONMENTAL ASSESSMENT

On an Application for an

### OPENCUT MINING AMENDMENT

The Montana Department of Environmental Quality (DEQ) prepared this Environmental Assessment (EA) in accordance with requirements of the Montana Environmental Policy Act (MEPA). An EA functions to identify, disclose, and analyze the impacts of a proposed action. This document may disclose impacts that have no legislatively required mitigation measures, or over which there is no regulatory authority.

The state law that regulates gravel mining operations in Montana is the Opencut Mining Act. This law and the rules adopted thereunder place operational guidance and limitations on a project during its lifetime, and provide for the reclamation of land affected by opencut mining operations.

Local governments and other state agencies may have authority over different resources and activities under their regulations. Approval or denial of this Opencut Application will be based on a determination of whether or not the proposed operation complies with the Opencut Mining Act and the rules adopted thereunder. The DEQ approval of this application would not relieve the operator from the obligation to comply with any other applicable federal, state, or county statutes, regulations, or ordinances. The operator is responsible for obtaining any other permits, licenses, approvals, etc. that are required for any part of the proposed operation.

**APPLICANT:** Remp Sand and Gravel, Inc.

**COUNTY:** Lincoln

**SITE NAME:** Remp

**DATE:** June 2014

**LOCATION:** Section 34, T31 N, R31 W

**PROPOSAL:** The applicant proposes to amend a long-term gravel pit permit to reclaim a 13.5-acre site located west of County Road 567, and approximately 2 miles north of Libby. The site has been in violation for conducting Opencut activities outside the permit boundary, failure to strip and retain soil for reclamation, failure to provide an adequate bond, and failure to follow the Plan of Operation. The site is located within the Libby Asbestos Superfund Site.

A reclamation bond would be held by DEQ to ensure that final reclamation of the site to rangeland/pasture would be completed by November 2020. This application contains all items required by the Opencut Mining Act and its implementing rules. Proponent commits to properly conducting opencut operations and would be legally bound by the permit.

#### IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
<b>1. TOPOGRAPHY, GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:</b>	<p>The site is in steep mountainous terrain 0.3 miles north of the Kootenai River, and is located on a relict bench of glacial outwash and alluvial deposits. The onsite soils consist of silt loam and sandy loam. The operator would replace 6 inches of soil and 12 inches of overburden. The site receives approximately 16 inches of precipitation per year.</p> <p><i>Impacts:</i> An irreversible and irretrievable removal of sand and gravel from the site has occurred. The quantity and quality of soils was influenced by early removal of soil, and by salvaging and stockpiling. Resoiling activities have occurred with existing and imported soils which are expected to support full reclamation. There are no unusual topographic, geologic, soil, or special reclamation considerations that would prevent reclamation success.</p>
<b>2. WATER QUALITY, QUANTITY AND DISTRIBUTION</b>	<p>An unnamed stream is located east of County Road 567. Water would be used on site for dust control and would be come from a source greater than 1,000 feet from the site.</p> <p><i>Impacts:</i> The proposed activities would have a minimal effect on the quantity and quality of the surface and groundwater resources.</p> <p><i>Cumulative:</i> The cumulative impacts on water resources would be negligible</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
<b>3. AIR QUALITY</b>	<p>Air quality standards are based upon the Clean Air Act of Montana and pursuant rules and are administered by the DEQ Air Resources Management Bureau (ARMB). Its program is approved by the Environmental Protection Agency (EPA). These rules and standards are designed to be protective of human health and the environment.</p> <p>Air quality permits would be required on the processing equipment before installment. Machinery, such as generators, crushers and asphalt plants, are individually permitted for allowable emissions. Best Available Control Technology (BACT) is the usual standard applied.</p> <p>Fugitive dust is that which blows off the pit floor, stockpiles, gravel roads, farm fields, etc. It is considered to be a nuisance but not harmful to health.</p> <p><i>Impacts:</i> Air quality standards as set by the federal government and enforced by the ARMB would allow minimal detrimental air impacts.</p>
<b>4. VEGETATION COVER, QUANTITY AND QUALITY</b>	<p>There are no known rare or sensitive plants or cover types present in the site area. Onsite vegetation consists of fescue, smooth brome, clover, and ponderosa pine and provides approximately 85% cover. The vegetation would be removed as soil is stripped and the site would be replanted with plant species compatible with the proposed reclaimed use.</p> <p><i>Impacts:</i> No long term detrimental impacts to the vegetation would occur.</p>
<b>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</b>	<p>Although the area is used primarily for forest/rangeland it also supports populations of elk, deer, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. Population numbers for these species are not known.</p> <p><i>Impacts:</i> The proposed mine is expected to temporarily displace some individual species and it is likely that the site would be re-inhabited following reclamation to similar habitat.</p>
<b>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:</b>	<p>The Montana Natural Heritage Program (MNHP) lists the following 11 species of concern in the vicinity of the site:</p> <p><b>Coeur d'Alene Salamander</b> (<i>Plethodon idahoensis</i>) is a small dark gray to black, lungless salamander with a yellowish throat patch, and a yellow, orange, green or red dorsal stripe. It prefers springs and seeps, waterfall spray zones and stream edges. This salamander is an invertivore, feeding primarily on insects.</p> <p><b>Bald eagle</b> (<i>Haliaeetus leucocephalus</i>) is a bird of prey found in North America that is most recognizable as the national bird and symbol of the United States of America. This sea eagle has two known sub-species and forms a species pair with the white-tailed eagle. Its range includes most of Canada and Alaska, all of the contiguous United States and northern Mexico. It is found near large bodies of open water with an abundant food supply and old-growth trees for nesting.</p> <p><b>Cassin's Finch</b> (<i>Carpodacus cassinii</i>) is the largest of the North American Carpodacus finches. Adult males have rose-red coloration on the head throat and upper breast, the crown is bright pinkish-red contrasting with the paler nape and back. Females have an overall brownish plumage. Cassin's Finches are short-distance elevational or latitudinal migrants in some parts of their range, the movements somewhat irregular and possibly dependent on food supply. Cassin's Finches occur in every major forest type and timber-harvest regime in Montana, including riparian cottonwood, but are especially common in ponderosa pine and postfire forests; they occur less often in lodgepole pine, sagebrush, and grassland. Foods include seeds, especially of grasses, composites, conifers, alders, and birches, as well as buds, leaves, and invertebrates. In general a single-brooded species has 4 to 5 eggs per clutch, with an incubation period of 12 to 14 days.</p> <p><b>Pileated Woodpecker</b> (<i>Dryocopus pileatus</i>) is the largest woodpecker in North America. Large size and prominent red crest distinguish this woodpecker from all other</p>

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
	<p>woodpecker species in Montana. These woodpeckers do not migrate but may move to lower elevations in autumn. They prefer late successional stages of coniferous or deciduous forests, as well as younger forests that have large scattered dead trees. Diet consists primarily of wood-dwelling ants and beetles that are extracted from down woody material and from standing live and dead trees.</p> <p><b>Torrent Sculpin</b> (<i>Cottus rhotheus</i>) is a fish found only in the fast headwater streams of the Kootenai River drainage of northwest Montana. It presents a somewhat grotesque appearance with its large head, huge pectoral fins, and bulging eyes. The fry eat mostly plankton and the adults feed mainly on aquatic insects and a variety of invertebrates.</p> <p><b>Westslope Cutthroat Trout</b> (<i>Oncorhynchus clarkii lewisi</i>) is one of two subspecies of native cutthroat found in the state. It has been designated as Montana's state fish. Westslope cutthroat trout require cold water and seek out gravel substrates in riffles and pool crests for spawning habitat.</p> <p><b>Columbia River Redband Trout</b> (<i>Oncorhynchus mykiss gairdneri</i>) is a native trout found throughout the Columbia River basin. The trout make short spawning migrations either in the same stream or often into smaller tributaries. The trout prefer cool, clean relatively low gradient stream and feed mainly on aquatic insects.</p> <p><b>Bull trout</b> (<i>Salvelinus confluentus</i>) is threatened species of fish that can be found in the Clark Fork and Flathead drainages of western Montana. Sub-adult and adult fluvial bull trout reside in larger streams and rivers and spawn in smaller tributary streams, whereas adfluvial bull trout reside in lakes and spawn in tributaries. Bull trout can grow to lengths of 37 inches and weights of 20+ pounds.</p> <p><b>Hoary Bat</b> (<i>Lasiurus cinereus</i>) is a large lasurine (20 to 35 g) with long pointed wings and heavily-furred interfemoral membrane. Hoary Bat is the largest bat species found in Montana. Its dorsal pelage in is a mixture of browns and grays, tinged with white, giving the bat a frosted or hoary appearance. Hoary Bat is migratory and only a summer resident in Montana, and occupies forested areas. They are reported to favor moths but stomach contents of 7 individuals captured in Carter County revealed beetles, moths, true bugs, leafhoppers, lacewings and true flies. They are also carnivorous, and have been reported to attack, kill, and eat pipillistrel bats.</p> <p><b>Fisher</b> (<i>Martes pennanti</i>) is a medium-sized mammal with a long, low stocky body and relatively long and heavily furred tail. The fisher occupies dense coniferous or mixed forests and tends to reside in tree hollows, under logs, in ground or rocky crevices or in the branches of conifers. The fisher's diet consists of small mammals, birds and fruit.</p> <p><b>Wolverine</b> (<i>Gulo gulo</i>) is a bear-like mustelid with massive limbs and long, dense, dark brown pelage, paler on the head, with two broad yellowish stripes extending from the shoulders and joining on the rump. Wolverines are limited to alpine tundra, and boreal and mountain forests in the western mountains. They feed on a variety of roots, berries, small mammals, birds' eggs and young, fledglings, and fish. They may attack moose, caribou, and deer hampered by deep snow.</p> <p><b>Geyer's Biscuitroot</b> (<i>Lomatium geyeri</i>) is a glabrous, herbaceous perennial with 1-3 stems that are 15-40 cm tall. The smallest flower clusters consist of a number of stalked flowers attached at a single point. They flower the end of March through May and fruit in late May to early June. They prefer vernal most soil in open or partially shaded habitats in the montane zone.</p> <p><i>Impacts:</i> None of the listed species have been found on this site. Even if suitable habitat did exist on this site, the disturbance area would be small and large areas of similar or identical habitat surrounds the site. The possible impact to these species would be minimal.</p>
<b>7. HISTORICAL AND ARCHAEOLOGICAL SITES</b>	The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported that there have been a few previously recorded sites within the designated search locale, and there have been a few previously conducted cultural resource inventories done in the area. A pedestrian survey of the area by DEQ personnel did not

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
	<p>reveal any artifacts or signs of occupation. No signs were evident at depth in the previously disturbed area. SHPO does not feel that a cultural resource inventory is warranted at this site at this time.</p> <p><i>Impacts:</i> If during operations resources were to be discovered, activities would be temporarily moved to another area or halted until SHPO was contacted and the importance of the resources was determined.</p>
<b>8. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY</b>	<p>There are no unusual demands on land, water, air or energy anticipated as a result of this project.</p> <p><i>Impacts:</i> Negligible impacts to land, water, air, or energy would occur.</p>

<b>IMPACTS ON THE HUMAN POPULATION</b>	
<b>RESOURCE</b>	<b>POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
<b>9. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS</b>	<p>Lincoln County zoning clearance has been obtained.</p> <p>The site is not zoned.</p>
<b>10. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING</b>	<p>As seen on the aerial photo of the surrounding area, within ½ mile of the site there are 7 residences located south of the site and 2 residences located to the north.</p> <p><i>Impact:</i> This commercial pit is sited in this area because of the location of the resource.</p>
<b>11. AESTHETICS</b>	<p>The site is located in a common forest/pastureland area. There would be a temporary alteration of aesthetics while mining is under way. However, reclamation would return the area to a visually acceptable landscape. This project is considered to be long-term, i.e., planned to take 5 years to complete.</p>
<b>12. QUANTITY/ DISTRIBUTION OF EMPLOYMENT</b>	<p>Existing employees would mainly be utilized for this operation. There is low potential that this project would create a significant number of new jobs.</p> <p><i>Impacts:</i> New employment opportunities would be limited.</p>
<b>13. INDUSTRIAL, COMMERCIAL, AGRICULTURAL ACTIVITIES AND PRODUCTION</b>	<p>The acreage listed in the proposal has been taken out of forest/pasture use. Upon completion of mining, the land would be reclaimed to rangeland/pasture.</p> <p><i>Impacts:</i> Forest/pastureland production has been reduced as soil stripping and operations progressed across the site. When the entire site was opened up for mining and mine-related activities, all forest/pastureland activities ceased, but would be restored as the site is reclaimed.</p>
<b>14. LOCAL, STATE TAX BASE AND TAX REVENUES, PERSONAL AND COMMUNITY INCOME</b>	<p>Local, state and federal governments would be responsible for appraising the property, setting tax rates, collecting taxes, etc., from the companies, employees, or landowners benefitting from this operation. Following reclamation, it is assumed the tax base would revert to pre-mine levels.</p>
<b>15. DEMAND FOR GOVERNMENT SERVICES</b>	<p>Limited oversight by DEQ Opencut Program personnel would be conducted in concert with other area activity when in the vicinity.</p>
<b>16. HUMAN HEALTH AND SAFETY</b>	<p>Any industrial activity would increase the opportunities for accidental injury. There are agencies that require the Operator to implement specific safety measures. If followed there is no reason to believe that significant safety issues would be present.</p>
<b>17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS</b>	<p>This activity would not inhibit the use of the identified resources.</p>

IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
ACTIVITIES	
18. NATIVE CULTURAL CONCERNS	<i>Impacts:</i> None identified.

**19. Alternatives Considered:**

- A. Denial Alternative: The Department would deny an application that does not comply with the Act and Rules. No impacts to the natural or human environment would occur.
- B. Approval Alternative: The Department would approve an application that complies with the Act and Rules. Impacts of this application are addressed in the body of the EA.

**20. Public Involvement, Agencies, Groups or Individuals contacted:** Montana State Historic Preservation Office, Montana Natural Heritage Program, Lincoln County Weed District, Lincoln County Planning Board.

**21. Other Governmental Agencies which May Have Overlapping or Sole Jurisdiction include, but may not be limited to:** Lincoln County Commission or County Planning Department (zoning), Lincoln County Weed District, MSHA and OSHA (worker safety), DEQ ARMB (air quality) and Water Protection Bureau (groundwater and surface water discharge; stormwater), DNRC (water rights), and MDT (road access).

**22. Regulatory Impact on Private Property:** The analysis done in response to the Private Property Assessment Act indicates no impact. The Department does not plan to deny the application or impose conditions that would restrict the use of private property so as to constitute a taking.

**23. Magnitude and Significance of Potential Impacts:** This proposal is not likely to create impacts of significance due to mitigation, restrictions, and oversight mandated by the Opencut Mining Act and pursuant rules and the Montana Clean Air Act.

**24. Recommendation for Further Environmental Analysis:** [ ] EIS [ X ] No Further Analysis

**EA Prepared By:** Don Jackson Opencut Mining Program Environmental Specialist  
Name Title

**EA Reviewed By:** Chris Cronin Opencut Mining Program Supervisor  
Name Title

## PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PPAA?

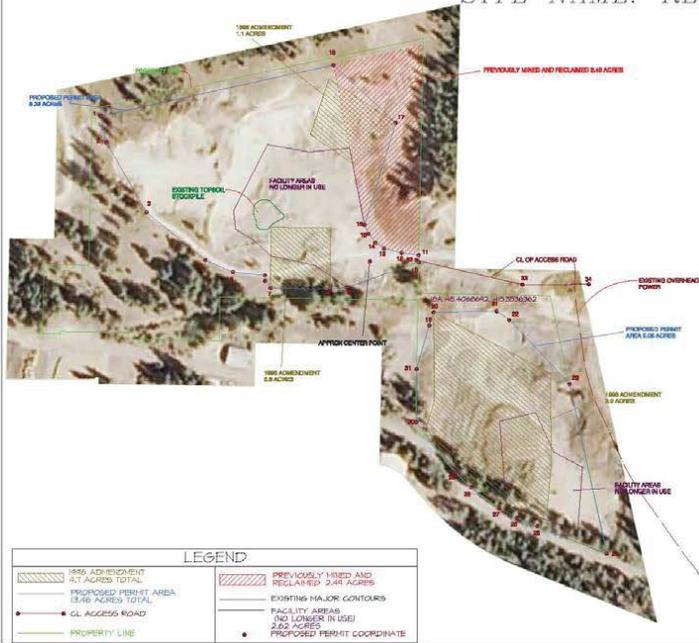
YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically viable uses of the property?
	X	4. Does the action deny a fundamental attribute of ownership?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 5a and 5b and continue with question 6.)
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property?
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? (If the answer is NO, skip questions 7a-7c)
		7a. Is the impact of government action direct, peculiar, and significant?
		7b. Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
		7c. Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

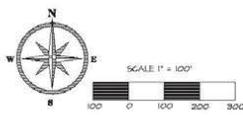
# Remp Sand and Gravel Inc.

SECTION 34 TOWNSHIP 31N RANGE 31W  
LINCOLN COUNTY, MONTANA  
SITE MAP  
SITE NAME: REMP



PROPOSED BOUNDARY COORDINATE TABLE

#	LAT	LONG	DESCRIPTION
1	46.40762	-116.26486	Point Corner Point
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100	46.40762	-116.26486	Proposed Permit Boundary



	1986 ADJACEMNT 4.7 ACRES TOTAL		PREVIOUSLY USED AND RECLAIMED 2.48 ACRES
	PROPOSED PERMIT AREA 8.26 ACRES TOTAL		EXISTING MAJOR CONTOURS
	CL ACCESS ROAD		FACILITY AREAS (NO LONGER IN USE) 2.60 ACRES
	PROPERTY LINE		PROPOSED PERMIT COORDINATE

Remp Sand and Gravel Inc.  
 11420 Highway 1 East, Helena, MT 59605  
 Remp Sand and Gravel Inc.  
 238 NEAR KENNEDY RD.  
 LINCOLN, MT 59822