

**APPENDIX B**

**PROPOSED AMENDMENT TO OPEN CUT MINING PERMIT**

**(PROPOSED EXPANSION OF AREA TO BE MINED)**

***Kenai Engineering, Inc.***

PO Box 457  
Gallatin Gateway, MT 59730

Phone & Fax: 406 763-4732

To: Jo Stephen, Opencut Mining, Billings  
From: Susan Hellier  
Date: 2-25-08  
Re: Amendment application for the Huttinga Gravel Pit (HUT-001)

Enclosed please find the following:

- Amendment Form
- Amendment Summary
- Permit map, aerial photo and contour map
- Bond spreadsheet
- Certificate of Deposit
- Resident Notification information (form, address list, map, letter)
- Zoning Compliance form
- Test-hole log and map

The current gravel pit is almost mined out. The amendment is a replacement area for the existing operation. There will not be additional traffic, a change in mining operations or increased sales. If you have any questions, please feel free to call me or Dick.

## AMENDMENT

### PART 1 – PROPOSED AMENDMENT AREA INFORMATION

**Primary purposes of this amendment:** To allow additional acreage for mining. Current permit is almost mined out.

<p><b>Operator name, address, and zip code (print or type):</b>                  Richard Huttinga                  1990 Little Bear Rd.                  Gallatin Gateway, MT 59730</p> <p>Phone: 763-5240                      Cell: 580-1686</p> <p>Fax:</p>	<p><b>An amendment application must contain:</b></p> <ol style="list-style-type: none"> <li>1. This Amendment form</li> <li>2. Modified or new Plan of Operation, if needed</li> <li>3. Modified or new map, if needed</li> <li>4. Bond calculation for total permit area including the proposed amendment area (see Reclamation Bond Spreadsheet; governmental operators exempt)</li> <li>5. Bond or rider (governmental operators exempt)</li> <li>6. Landowner Consultation form (see form for applicability)</li> <li>7. Resident Notification form (see form for applicability)</li> <li>8. Zoning Compliance form (see form for applicability)</li> </ol>		
<p><b>Operator email:</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>Permit number:</b> HUT-001</td> <td style="width: 50%;"><b>Site name:</b> Huttinga Gravel Pit</td> </tr> </table>	<b>Permit number:</b> HUT-001	<b>Site name:</b> Huttinga Gravel Pit
<b>Permit number:</b> HUT-001	<b>Site name:</b> Huttinga Gravel Pit		
<p><b>Landowner name, address, and zip code for amendment area (print or type):</b>                  Same as above</p> <p>Phone:                      Cell:</p> <p>Fax:</p>	<p><b>Legal description of access road and main permit area additions:</b></p> <p style="text-align: center;"><u>  S  </u> ½ <u>  NE  </u> ¼, Sec. <u>  25  </u>, T. <u>  3  </u> S, R. <u>  4  </u> E, PMM  <u>  N  </u> ½ <u>  SE  </u> ¼, Sec. <u>  25  </u>, T. <u>  3  </u> S, R. <u>  4  </u> E, PMM</p> <p><b>UTM of main permit area addition:</b></p> <p>Zone: <u>  12  </u> Easting: <u>  486428  </u> Northing: <u>  5043866  </u></p>		
<p><b>Landowner email:</b></p>	<p><b>County:</b> Gallatin</p>		
<p><b>Equipment to be used in amendment area:</b></p> <p><input checked="" type="checkbox"/> grizzly    <input checked="" type="checkbox"/> crusher    <input checked="" type="checkbox"/> wash plant    <input checked="" type="checkbox"/> pug mill  <input checked="" type="checkbox"/> screen    <input checked="" type="checkbox"/> asphalt plant    <input checked="" type="checkbox"/> concrete plant</p> <p>other: _____</p>	<p><b>Mine material to be excavated from amendment area:</b></p> <p><input checked="" type="checkbox"/> sand    ___ scoria    ___ clay    ___ peat  <input checked="" type="checkbox"/> gravel    ___ bentonite    <input checked="" type="checkbox"/> soil</p> <p><input checked="" type="checkbox"/> borrow, type: _____</p>		
<p><b>Acreage breakdown for amendment area:</b></p> <p>___ Mine-level area                  ___ Facility-level area excluding access roads                  ___ Access road area  <u>23.56</u> Other area (describe): <u>  Associated disturbance  </u></p> <p><u>23.56</u> Total acres to be added by this amendment (add above items)</p>	<p><b>Estimated maximum depth of mining from ground surface in amendment area:</b> 50-75 feet</p> <p><b>Estimated quantity of mine material to be excavated from amendment area (cubic yards):</b> 675,000 C.Y.</p>		
<p><b>Name of person who will be familiar with the Plan of Operation and on-the-ground activities at this site:</b>                  Dave Huttinga, Pit Manager</p> <p>Phone: 763-5240                      Cell:</p>	<p><b>Estimated date when the amendment uses will begin (mm/dd/yy):</b></p> <p>4-01-08</p>		

## AMENDMENT TO HUTTINGA GRAVEL PIT

The Huttinga Gravel Pit (HUT-001) is close to being mined out. The Operator wants to amend 23.56 acres to the current permit of 25 acres. The additional area will generate 675,000 cubic yards, some of which will come from increasing the pond and the remaining quantity mined above the water table. The post-mine land uses will remain the same: pond and pasture. In the 12/13/06 amendment the operator stated that the maximum pond size would be 6 acres. It is approximately 1.5 acres now.

The Operator will maintain the berm on the south side along Little Bear Road; it will be the same height, but narrower. The berm on the east side will be treated similarly and expanded to the north. The remaining topsoil in these two berms will be used in the reclamation this spring. In Phase 1 the salvaged topsoil will be placed in a 50' wide stockpile along the north boundary. Please see attached map for location of topsoil stockpiles in Phases 2 and 3.

Mining conditions will not change from the last Plan of Operations. One foot of topsoil will be salvaged, no dewatering will occur, and storm-water will be contained within the permit boundary. The amendment area, currently a gently sloping pasture, will be mined in phases. Prior to the opening of Phase 1 the Operator will reduce the existing highwall on the south and east sides of the pit to 3:1 slopes or flatter. Then he will rip the slopes and floor where necessary, replace the topsoil and seed with a pasture mix. The reclamation will cover approximately the same acreage as Phase 1 in the amendment. The bond covering this acreage (through seeding) will then be applied to the Phase 1 mine.

The Phase 1 mine will continue the pit floor northwards; the excavation will extend to above the high water table. The Plan is not to mine into the water and to leave the reclamation at the required three feet above high groundwater. Once Phase 1 is mined out, the reclamation will be completed on the existing 25-acre permit except for the facilities area and the pond. In this manner reclamation can be concurrent with mining, and the bond can be advanced to Phase 2. Phase 2 is a similar excavation and reclamation process. Phase 3 will be mined to above the water table although the pond will be expanded at that time. The maximum depth of mining, 50-75 feet, is in the pond area; the actual depth will be determined by what a large excavator can reach.

The final reclamation date has been moved ahead by five years to October 2020. No changes in hours of operation or types of equipment are proposed with this amendment request. The Operator is requesting that the entire amendment, bonded as associated disturbance, be reviewed now so that conversion to mine at a later date will not result in additional review by the Opencut Mining Program or the public. However, the Operator understands that additional bond will be required to cover mining on each new phase as it is opened.

**I certify that the statements and information given above apply to the Huttinga Gravel Pit, and that this Plan will be followed unless officially modified.**

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BASIS OF BEARINGS: S89°26'11"E  
2638.78'(R) 2638.42'(M)

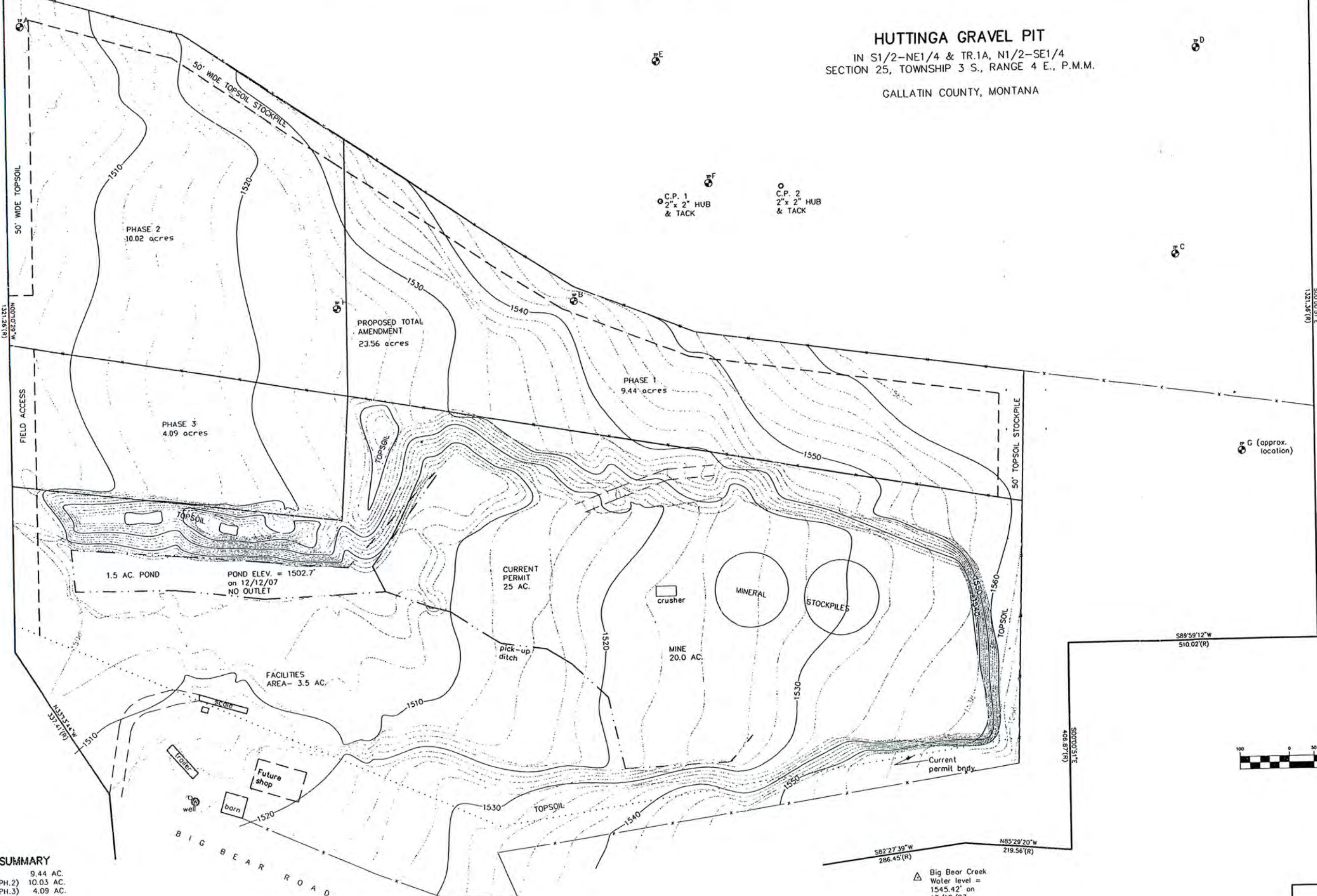
**HUTTINGA GRAVEL PIT**  
IN S1/2-NE1/4 & TR.1A, N1/2-SE1/4  
SECTION 25, TOWNSHIP 3 S., RANGE 4 E., P.M.M.  
GALLATIN COUNTY, MONTANA

- NOTES:**
1. The topsoil berms along Little Bear Rd. and the east side of the permit will remain the same in height, but less in width.
  2. The highwall on the south and east sides will be reduced to 3:1 slopes or flatter in early 2008. The overburden and topsoil will be replaced and seeded also.
  3. Topsoil in the south and east berms will be used in early 2008, except for what will remain for the sight-and-sound berms.
  4. The only highwall to remain open will be the northerly direction of mining.

- LEGEND**
- R RECORDED ON C.O.S. 1915A
  - M MEASURED THIS SURVEY
  - ⊕ TEST-HOLE
  - ⊙ PROP.COR. (REBAR & CAP)

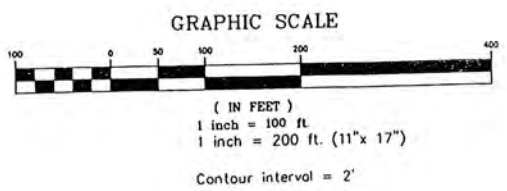
FD. REBAR & CAP  
Assumed  
Elev. =  
1500.00'

FD. REBAR & CAP



**ACREAGE SUMMARY**

MINE (PH.1)	9.44 AC.
ASSOC.DIST. (PH.2)	10.03 AC.
ASSOC.DIST. (PH.3)	4.09 AC.
<b>TOTAL AMENDM'T</b>	<b>23.56 AC.</b>
<b>NEW TOTAL PERMIT</b>	<b>48.56 AC.</b>



△ Big Bear Creek  
Water level =  
1545.42' on  
12/12/07

**HUTTINGA GRAVEL PIT**  
IN SEC. 25, T. 3 S., R. 4 E., P.M.M.

KENAI ENGINEERING, INC. RDY 457 GALLATIN GATEWAY MT	DATE: FEB. 2008 REV:
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# Reclamation Bond Spreadsheet

Operator name, site, and date created:

Richard Huttinga  
Huttinga Gravel Pit  
2/25/08

Enter your data in the shaded boxes. See page 3 for detailed instructions.

### Acresage Breakdown

Mine Area		acres
Facility Area		acres
Access Roads		acres
Partial Release Area		acres
Undisturbed		acres
Total permit area	0.0	

### Comments:

This spreadsheet shows the bond for the amendment only. The 23.56 acre amendment will be bonded as associated disturbance. The Operator plans substantial reclamation this spring prior to opening Phase 1 for mining. At that time he will leap-frog the bond from the current permit and add whatever additional money is required to cover reclamation in Phase 1. Please see next page for bond on current permit.

### Highwall reduction, backfilling, soil and overburden replacement

Highwall cut/fill (describe)	linear feet	height	slope ratio	cubic yards	
Vertical highwall at beginning			:1	0	total
			:1	0	0

Highwall backfill (describe)	linear feet	height	slope ratio	cubic yards	
			:1	0	total
			:1	0	0

Pit backfill (describe)	acres	depth	compaction %	cubic yards	
				0	total
				0	0

mine soil and OB replacement		inches soil		inches overburden	total	0
facility soil replacement		inches soil			total	0
access road soil replacement		inches soil			total	0

ITEM	UNIT	AMOUNT	RATE	TOTAL
highwalls and backfill		0 cu yds	\$1 per cubic yard	\$0
mine area grading		0.0 acres	\$200 per acre	\$0
mine area ripping		0.0 acres	\$100 per acre	\$0
mine soil and OB replacement	0 inches	0.0 acres	\$135 per inch/per acre	\$0
facility area grading		0.0 acres	\$100 per acre	\$0
facility area ripping		0.0 acres	\$100 per inch/per acre	\$0
facility soil replacement	0 inches	0.0 acres	\$135 per inch/per acre	\$0
access road area grading		0.0 acres	\$100 per acre	\$0
access road area ripping		0.0 acres	\$100 per inch/per acre	\$0
access road soil replacement	0 inches	0.0 acres	\$135 per inch/per acre	\$0
seeding or other revegetation		0.0 acres	\$200 per acre	\$0
fencing		linear ft	\$1 per linear foot	\$0
weed control		0.0 acres	\$100 per acre	\$0
asphalt or concrete recycle pile		cu yds	\$0.20 per cubic yard/mile	\$0
partially released acres		0.0 acres	\$300 per acre	\$0
undisturbed acres		0.0 acres	\$0 per acre	\$0
other (Associated disturbance)		23.6	\$200 per acre	\$4,712
other				\$0

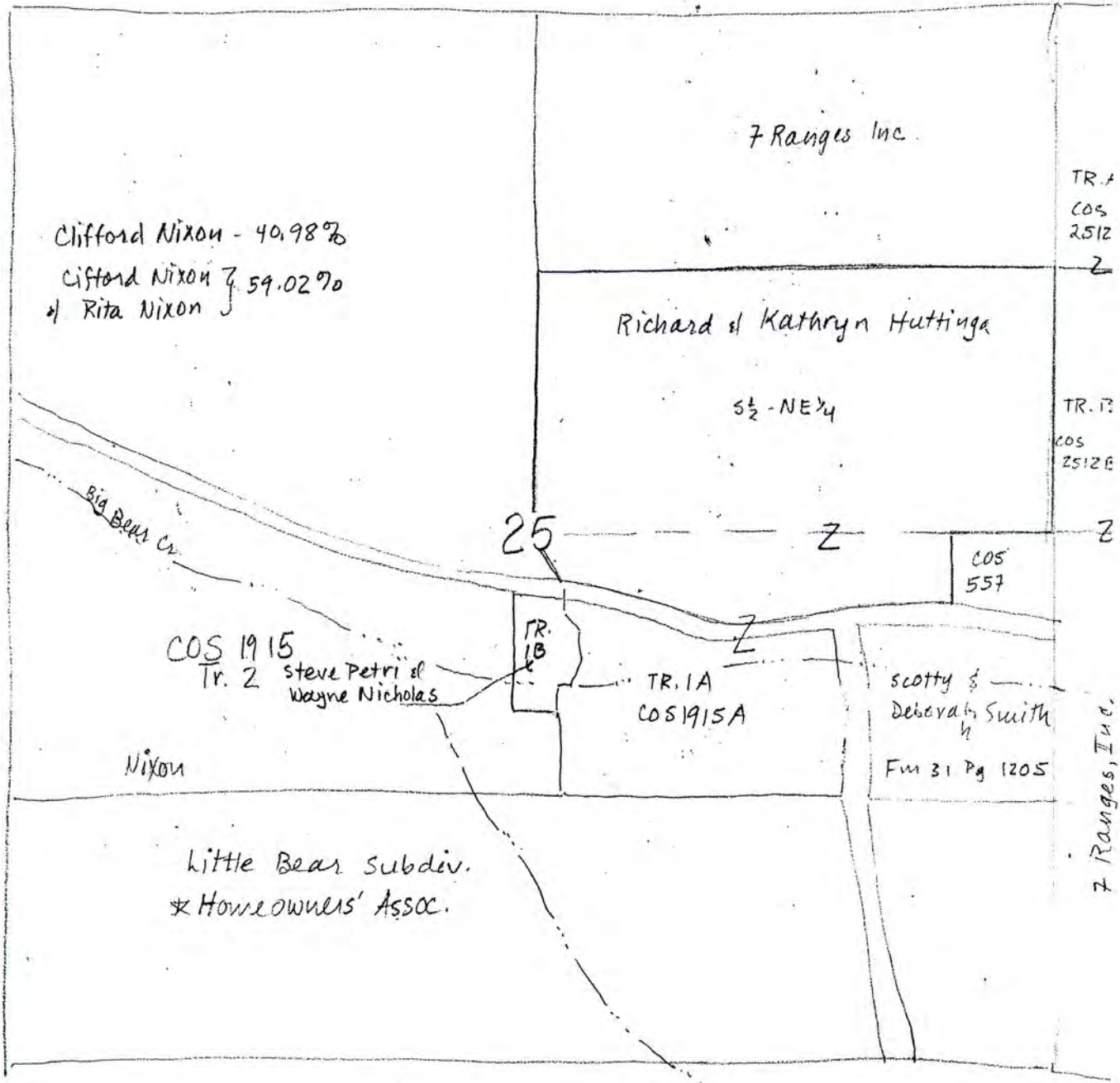
mobilization		loads		miles	\$9.00 per round trip mile	\$0
round trip miles to the town of						

DEQ administrative costs - 10% of subtotal

Total acreage = 0.0      Per acre rate = #DIV/0!      Total bond = \$4,712

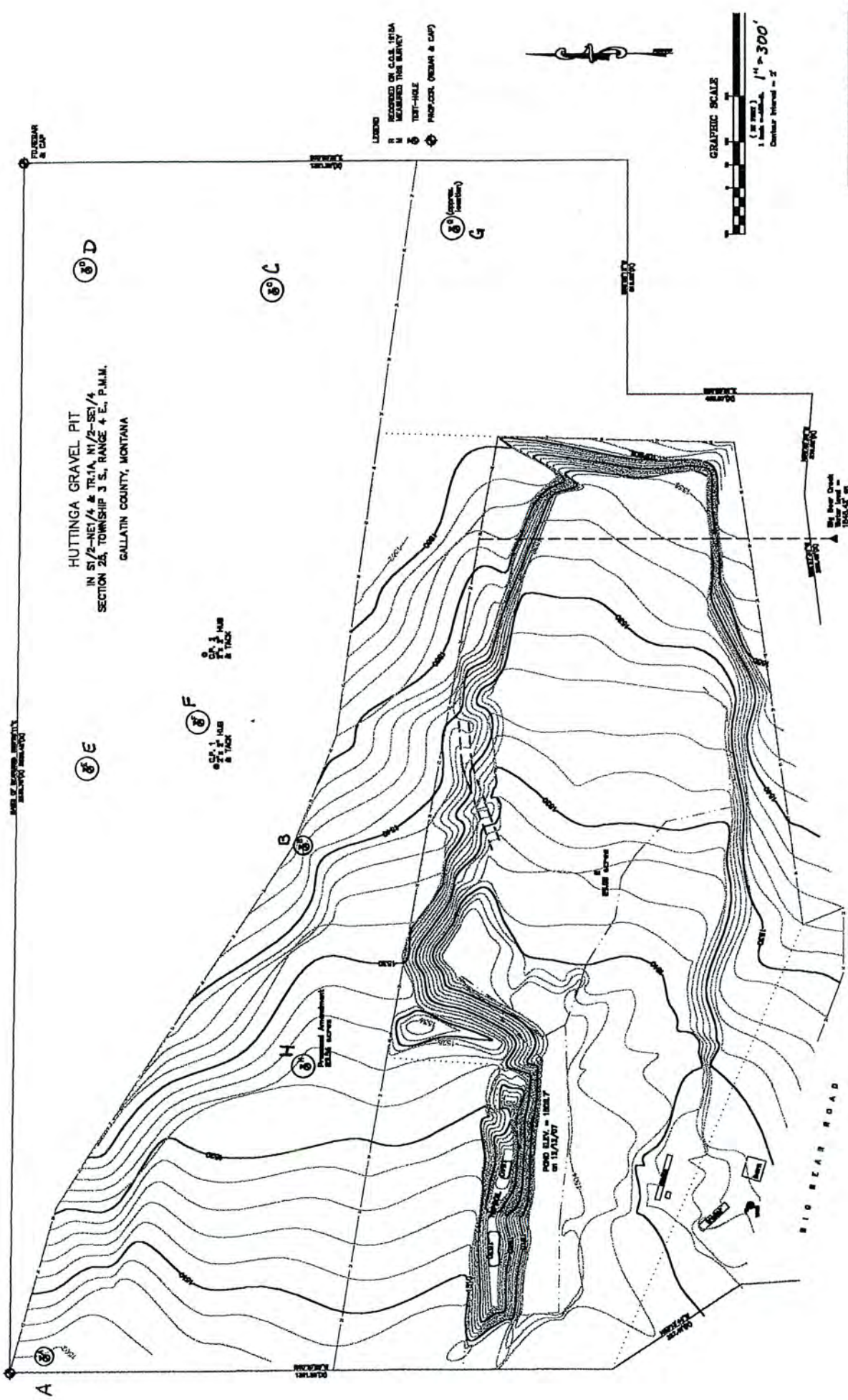
Prepared by: \_\_\_\_\_

SEC. 25, T. 3S, R. 4E, P.M.M.



COS 557 - 7 Ranges Inc.

# TEST-HOLE MAP



HUTTINGA GRAVEL PIT  
 IN SEC. 2A, T. 3 S., R. 4 E.,  
 MOJAN ENGINEERING, INC.  
 BOX 487, GALLATIN GATEWAY, MT

DATE: 11/11/07  
 REV: 1



# Montana Topographic Map Finder

The map is 0.91 miles wide.

Choose Image Type

Topographic Map

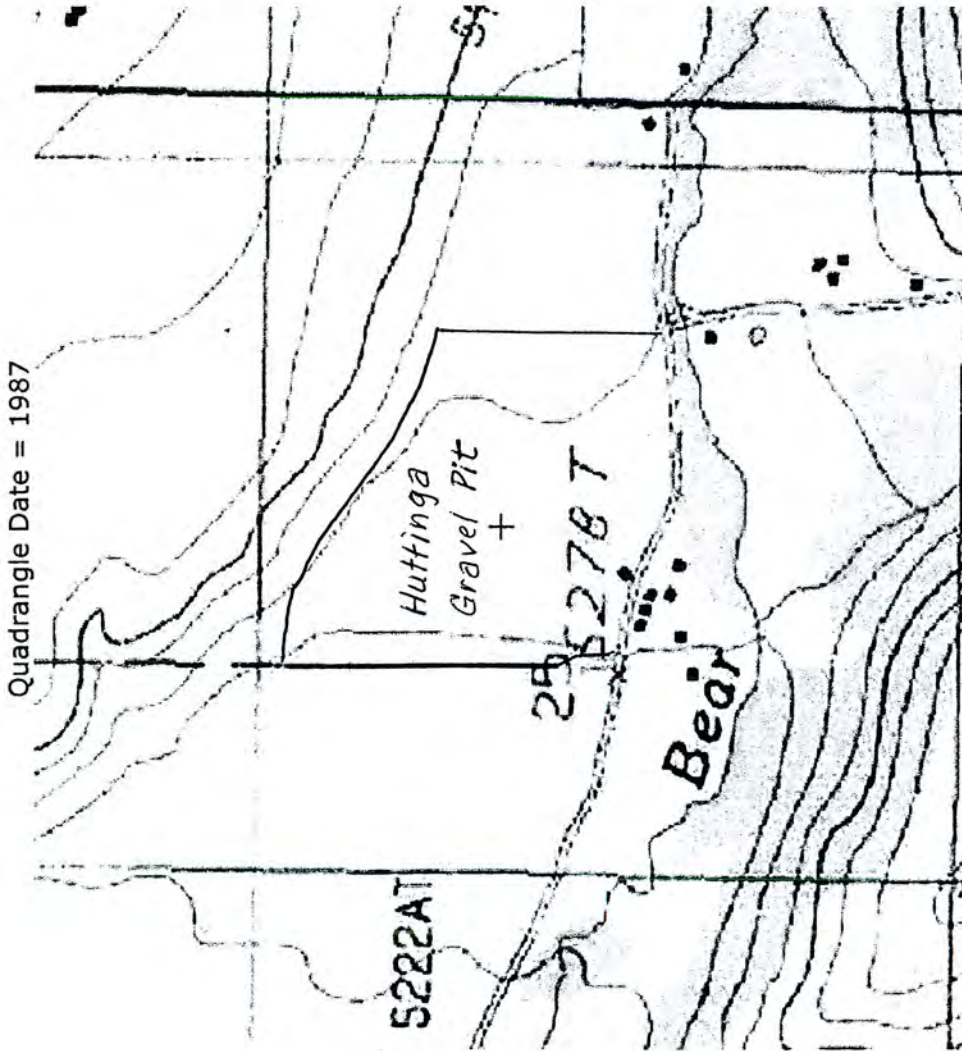
Select a Map Control, then click on the map

### Map Controls

ZoomIn    Zoom Factor

ZoomOut

New Center   



### Map Center Coordinates at Red +

Datum:  NAD83     NAD27

Decimal Degrees  
 Lat 45.5482    Long -111.17387

State Plane  
 E 469333    N 145677

UTM Zone 12  
 E 486428    N 5043866

US National Grid  
 12T VR 86428 43866

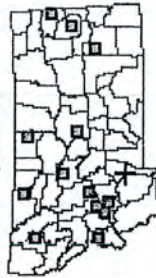
TRS    T3S R4E S25

Hydrologic Unit    10020008  
 Gallatin River

Download 24K quadrangle:    Gallatin Gateway

Download 100K quadrangle:    Bozeman

Click the small map to move the main map center.



Green squares show areas where 2004 hi-resolution color photos are available.

[Legend](#) | [Help](#)



## GALLATIN COUNTY

March 3, 2008

Susan Hellier  
Kenai Engineering, Inc  
P.O. Box 457  
Gallatin Gateway, MT 59730

**RE: Zoning Compliance for Proposed Expansion of the Huttinga Pit on Little Bear Road, Gallatin Gateway, MT**

Dear Ms. Hellier:

Enclosed you will find a completed Montana Department of Environmental Quality (MDEQ) "Zoning Compliance" form for your pending application to MDEQ for expansion of the Huttinga gravel pit located on Little Bear Road, southeast of Gallatin Gateway. The subject property is not located within a zoning district created pursuant to Title 76, Chpt. 2, MCA.

Please be aware Gallatin County is considering adopting a process of actively participating in MDEQ's approval of sand and gravel operations permitted under the Montana Opencut Mining Act (the "Act"). The County is considering asking MDEQ to impose, as part of its permitting process under the Act a set of "good neighbor" conditions. These conditions include hours of operations, dust control measures, among others. In addition, the County Commission may consider requirements for applicants for new pits or expansion of existing pits to conduct detailed traffic impact studies that could form the basis for off-site mitigation requirements.

The County Planning Department is actively working on these conditions. As a result, the conditions are not complete. Upon completion in the near future we will be conducting a meeting with several gravel pit operators to ask them to review and provide comment on these "good neighbor" provisions. If you would like to participate, please contact the Planning Department at your convenience.

Please be aware that because the County is in the process of creating these provisions and you are just beginning the process for permitting your anticipated expansion the County may request MDEQ to impose these good neighbor provisions on the expansion of the Huttinga pit as well as request MDEQ to conduct a hearing on your application in Gallatin County. The Planning Department will provide you with copies of all future correspondence between this Department and MDEQ regarding your application.

## ZONING COMPLIANCE

### For Compliance With Local Zoning Regulations Title 76, chapter 2, parts 2 and 3; Title 82, chapter 4, part 4, MCA

To ensure that a proposed sand and gravel operation governed by the Opencut Mining Act will be in compliance with local zoning regulations, permit applications and amendment applications that will add acreage or change the postmining land use must include this form.

Richard Huttinga (operator) has provided notification to the county/city about the proposed sand and gravel operation at the Huttinga Gravel Pit site in the

S 1/2 NE 1/4, Sec. 25, T. 3 S, R. 4 E, P.M.M.  
N 1/2 SE 1/4, Sec. 25, T. 3 S, R. 4 E, P.M.M.

Gallatin County.

**Please check one of the following:**

- Site location is not zoned.  
 Site location is zoned as \_\_\_\_\_.

**If the site location is zoned, please check one of the following:**

- Proposed operation complies with county/city zoning regulations.  
 Proposed operation does not comply with county/city zoning regulations.

W. Randall Johnson  
Name (print or type)

[Signature]  
Signature

Gallatin County Planning Department  
Manager, Subdivision and Zoning  
Title

3/3/08  
Date



## GALLATIN COUNTY

March 3, 2008

Jo Stephen  
Montana Department of Environmental Quality  
Opencut Mining Program  
Airport Business Park-IP9  
1371 Rimtop Dr.  
Billings, MT 59105

**RE: Application to Expand the Huttinga Pit Located in the East 1/2 of Sec. 25,  
T3S, R4E, Gallatin County, Montana**

Dear Jo:

We recently completed a Zoning Compliance form for the proposed expansion of the Huttinga Pit, located southeast of Gallatin Gateway, MT along Little Bear Road. The subject property is not located within a zoning district created pursuant to Title 76, Chpt. 2, MCA.

As you may know, the Gallatin County Board of County Commissioners is interested in requesting MDEQ impose certain "good neighbor" provisions as part of your permitting under the Opencut Mining Act. Therefore, Gallatin County formally requests that you place us on a mailing list for all future communications regarding the pending application to expand the Huttinga pit, including but not limited to providing directly to the Planning Department the following: (i) a copy of the final application and all supporting material for this proposed expansion; (ii) any written or required notices regarding the Opencut Mining Program's review and approval of the application; (iii) copies of all environmental documents prepared in your review; and (iv) the opportunity to provide comment and request a hearing to be held in Gallatin County on the proposal prior to granting of approval.

The Gallatin County Planning Department will be providing these letters to you on all future applications for permitting under the Opencut Mining Act.

Finally, thank you for your cooperation in assisting Gallatin County in understanding DEQ's review process and for providing Gallatin County with information regarding ongoing mining operations as well as assisting us with our numerous requests for information over the past few months. And thank you in advance for providing information on the proposal to expand the Huttinga pit.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Randall Johnson", is written over a horizontal line that extends across the page.

W. Randall Johnson, AICP  
Manager, Subdivision and Zoning