

APPENDIX B

**CUP APPLICATION for the MORGAN
FAMILY GRAVEL PIT**

Gallatin County

July 2008

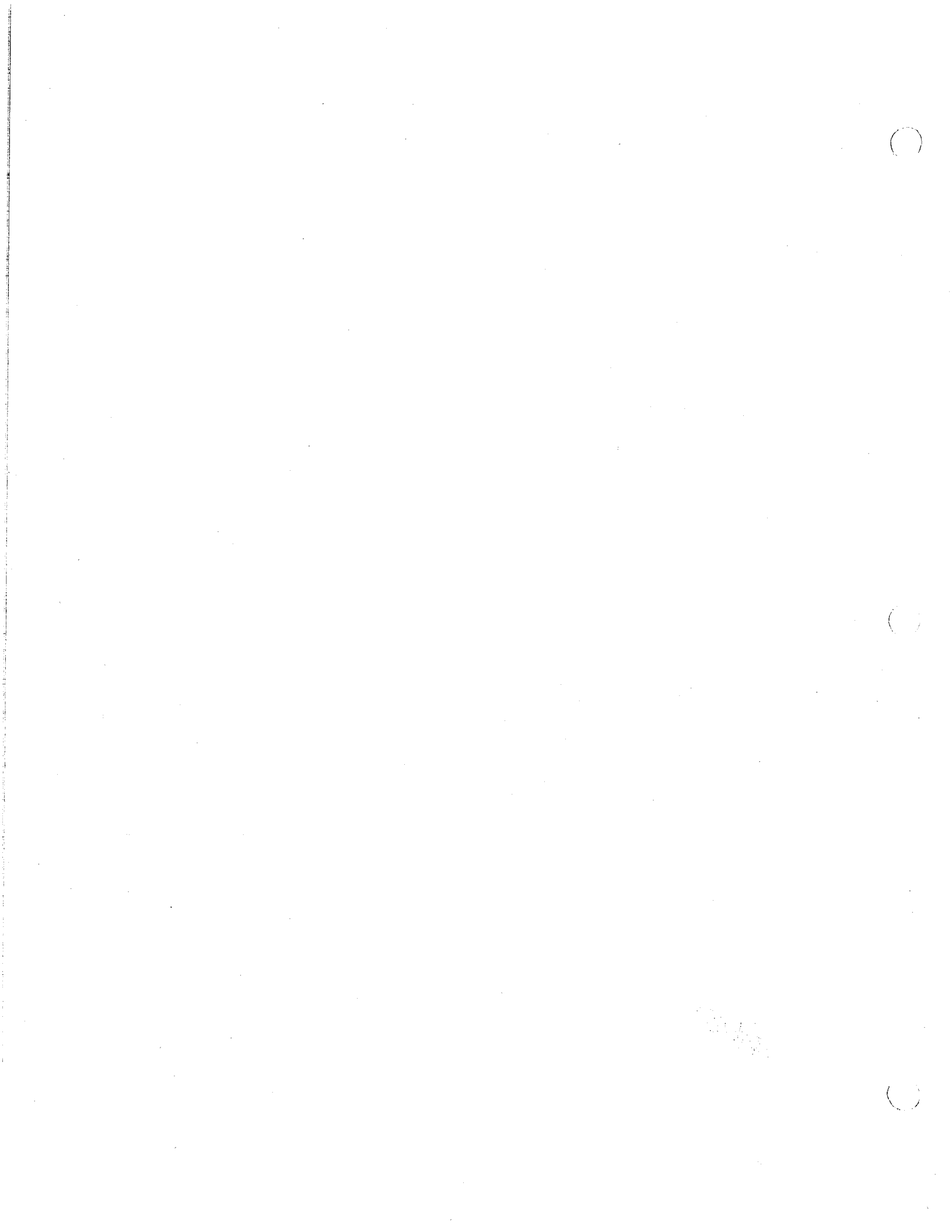
**Completed MDEQ Opencut Mining
Application w/ Environmental &
Community Impact Assessments**



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SEP 15 2008

DEQ BILLINGS



SEP 15 2008

OPENCUT PERMIT APPLICATION

<p>Operator name, address, and zip code (print or type): TMC, Inc. P.O. Box 69 Belgrade, MT 59714</p> <p>Phone: 388-6844 Cell: 580-4468 Fax: 388-6091</p>	<p>A permit application must contain:</p> <ol style="list-style-type: none"> 1. This form 2. \$50 application fee (governmental, soil, and peat operators exempt) 3. Opencut Permit form 4. Plan Of Operation (see Plan Of Operation form) 5. Map (see Map Guideline) 6. Bond calculation (see Reclamation Bond Spreadsheet; gov operators exempt) 7. Bond (five options; governmental operators exempt) 8. Landowner Consent form (see form for applicability) 9. Resident Notification form (see form for applicability) 10. Weed Compliance form 11. Zoning Compliance form (see form for applicability)
<p>Operator email:</p>	<p>Site name: Morgan Family LLC Gravel Pit</p>
<p>Landowner name, address, and zip code (print or type): Morgan Family LLC 27600 Rocky Mountain Rd. Belgrade, MT 59714</p> <p>Phone: 388-6377 (Craig Morgan) Cell: Fax:</p>	<p>Access road and main permit area legal description: _____ ¼ <u>SE</u> ¼, Sec. <u>35</u>, T. <u>2</u> S, R. <u>4</u> E _____ ¼ _____ ¼, Sec. _____, T. _____ N/S, R. _____ E/W</p> <p>Main permit area UTM: Zone: <u>12</u> Easting: <u>485070</u> Northing: <u>5051732</u></p>
<p>Landowner email:</p>	<p>County: Gallatin</p>
<p>Equipment to be used: <input checked="" type="checkbox"/> grizzly <input checked="" type="checkbox"/> crusher <input checked="" type="checkbox"/> wash plant ___ pug mill <input checked="" type="checkbox"/> screen <input checked="" type="checkbox"/> asphalt plant ___ concrete plant other: _____</p>	<p>Mine material to be excavated: <input checked="" type="checkbox"/> sand ___ scoria ___ clay ___ peat <input checked="" type="checkbox"/> gravel ___ bentonite ___ soil ___ borrow, type: _____</p>
<p>Acreage breakdown: <u>18.43</u> Mine-level area ___ Facility-level area excluding access roads ___ Access road area <u>7.23</u> Other area (describe): <u>Topsoil</u> <u>27.30</u> Assoc. disturbance <u>52.96</u> Total acres to be permitted (add above items)</p>	<p>Estimated maximum depth of mining from ground surface: 25 feet</p> <p>Estimated quantity of mine material to be excavated (cubic yards): 1,450,000</p>
<p>Name of person who will be familiar with the Plan Of Operation and on-the-ground activities at the site: Jerry Rice, TMC manager Phone: 388-6844 Cell: 580-4468</p>	<p>Estimated date operation will begin (mm/dd/yy): 12/1/07</p>
<p>OPERATOR AFFIRMS THAT OPERATOR HAS THE RIGHT AND POWER, BY LEGAL ESTATE OWNED, TO MINE THE LANDS DESCRIBED. OPERATOR ALSO AFFIRMS THAT THE CONTENTS OF ALL ATTACHMENTS TO THIS APPLICATION BECOME A PART OF THE TERMS THEREOF.</p>	

Operator Signature: Jerry Rice Title: General Manager Date: 10-18-07

SEP 15 2008

Permit # (provided by DEQ): _____

OPENCUT PERMIT

This permit is issued by the STATE OF MONTANA, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) of Helena, Montana to TMC, Inc. (OPERATOR). Pursuant to Section 82-4-422(1), MCA, the DEQ is authorized to issue Opencut Permits where it is found that the requirements of the law and rules can be carried out and will be observed.

In consideration of the above and other good and sufficient consideration, the following applies to this permit:

1. The DEQ hereby authorizes the OPERATOR to conduct opencut operations, as described in the application which was previously submitted and is hereby approved and made a part of this permit, on 52.96 acres in the

SE ¼, Sec. 35, T. 2 S, R. 4 E
¼, Sec. _____, T. _____ N/S, R. _____ E/W

Gallatin County, Montana, to be known as the Morgan Family LLC site. This permit does not authorize opencut operations other than as described in the application or as described above. Operating without a permit is a violation of law subject to civil penalties. The application is hereby incorporated as a part of this permit for all purposes.

2. OPERATOR shall comply with all requirements of the Opencut Mining Act in Title 82, Chapter 4, Part 4, MCA, and all rules adopted pursuant thereto.

3. OPERATOR shall reclaim all affected land in accordance with the Plan Of Operation, which is part of the application and of this permit. The DEQ may periodically review each plan and require modifications as necessary. Reclamation shall be as concurrent with mining as feasible and will be completed within the time frame specified in the plan.

4. OPERATOR may submit amendment applications to the permit at any time. If approved, the amendments shall be attached to the permit and become a part of the permit for all purposes.

5. OPERATOR (unless the State of Montana, a county, city, or town, or the U.S. Government) has submitted a bond to ensure that the affected land is reclaimed in accordance with the Plan Of Operation. Failure to reclaim in accordance with the plan shall result in forfeiture of the bond. If the bond is revoked or otherwise becomes invalid, the OPERATOR shall submit a new bond within 30 days. Failure to submit a new bond may suspend this permit.

6. OPERATOR shall allow access by the DEQ and its representatives at all times in order to determine whether the terms of this permit are being complied with.

7. If reclamation according to the Plan Of Operation has not been completed in the time specified, the DEQ, after 30 days written notice, may order the OPERATOR to cease mining and issue an order to reclaim. If the OPERATOR does not cease, the DEQ may institute action to enjoin further opencut mining by the OPERATOR and issue an order to reclaim.

8. A person who violates any of the provisions of Title 82, Chapter 4, Part 4, MCA, or any rules or order adopted under this part is subject to the penalty provisions of Section 82-4-441, MCA.

9. This permit is effective upon approval by the DEQ.

STATE OF MONTANA, DEPARTMENT OF ENVIRONMENTAL QUALITY

Chief, Industrial & Energy Minerals Bureau

Date

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DEQ OPENCUT MINING PROGRAM • 1520 EAST SIXTH AVENUE • HELENA MT 59620 • PHONE 406-444-4970 • FAX 406-444-1923

SEP 15 2008

PLAN OF OPERATION

DEQ BILLINGS

Operator: TMC, Inc. Site: Morgan Family, LLC Gravel Pit Final rec. date (see III[A]): 10/2017

Postmining land uses (see III[B]): Pasture

The bold text, performance standards, answers, attachments, and related maps constitute the binding parts of this plan.

SECTION I – PREMINE INFORMATION

I-A DIRECTIONS TO SITE

Describe how to get from the nearest public road to the main permit area (include mileposts, landmarks, and distances; tell how to obtain keys or combinations for locks).

Answer: From Gallatin Gateway, go north on Highway 191 approximately 1.6 miles. Turn right at existing approach which leads approximately 400 feet to a mobile home. Main Permit Area lies to east of mobile home.

I-B TOPOGRAPHY

Describe the terrain in and within 1,000 feet of the main permit area (features include hills, valleys, ridges, draws, spurs, cliffs, and benches).

Answer: Permit area and lands to the north, east and south consist of a floodplain terrace. The side of the permit area facing west, and Highway 191, slopes from the terrace down to Highway 191. The permit area slopes at about 2% downward to the northwest.

I-C SURFACE DISTURBANCES

1. Describe the surface disturbances along access roads (disturbances include mine areas, waste piles, and garbage pits).

Answer: The existing driveway to the mobile home will be widened to the south into an unimproved pasture. Except for the existing narrow roadway and landscaping around the mobile home, there are no surface disturbances along the access road.

2. Describe the surface disturbances in and within 1,000 feet of the main permit area.

Answer: The Farmers' Canal runs along the southwesterly side of the permit area. A berm exists along the permit side of the ditch with a two-track service road on top of it. Several unused feeder ditches parallel the canal. Otherwise, farmland and pasture surrounds the permit area.

I-D LAND USES

1. Describe the land uses along access roads (uses include water source pond, wetland, fish pond, riparian area, grassland, shrubland, woodland, special use pasture, hayland, cropland, wildlife habitat, livestock protection site, recreation site, and residential, commercial, and industrial sites).

Answer: From where the access road leaves Highway 191, there is fenced pasture on both sides and the mobile home residence near the main permit boundary.

2. Describe the land uses in and within 1,000 feet of the main permit area.

Answer: For the most part, uses consist of farmland and pasture. Approximately 500 feet south of the permit area on Zachariah Lane is a small cemetery.

I-E STRUCTURES AND FACILITIES

1. Describe the non-operation-related structures and facilities within 500 feet of access roads (these include residential, commercial, and industrial structures and facilities).

Answer: A rented mobile home residence and two old farm sheds are near the access road. The mobile home will remain. The farm buildings will eventually be razed.

2. Describe the non-operation-related structures and facilities in and within 1,000 feet of the main permit area.

Answer: Please refer to I-D,2 above. There are also two residences on the south side of Zachariah Lane that would fall within the 1000 feet and an abandoned homestead to the northwest of the permit area on Highway 191. At the intersection of Highway 191 and Zachariah Lane is an unoccupied commercial building.

I-F SURFACE WATER FEATURES

1. Describe the surface water features within 500 feet of access roads (features include ditches, drainageways, springs, streams, wetlands, ponds, and impoundments).

Answer: The access road will cross an unnamed irrigation ditch just east of Highway 191. The ditch has seasonal flow, usually from April through September.

2. Describe the surface water features in and within 1,000 feet of the main permit area.

Answer: The permit boundary parallels the Farmers' Canal on the southwesterly side. A 75 foot wide buffer zone will separate the boundary from the ditch, measured from the boundary to the northwesterly top of bank of the channel.

I-G WATER WELLS

1. Give the locations, total depths, static water levels, and uses of wells in and within 1,000 feet of the main permit area (give depths and levels from ground surface; if some or all of this information is on the water well report [see 2], reference it here and attach a copy).

Answer: See GWIC water well report attached. Two monitoring wells were drilled in September of this year at the north and south edges of the proposed permit area. The locations are shown on the plan and well logs are attached.

2. Give the information sources used (attach a water well report from the Montana Bureau of Mines and Geology (MBMG), Ground Water Information Center at 406-496-4336 or <http://mbmrgwic.mtech.edu>; landowners, field observations, and water well logs are also good sources).

Answer: See above.

I-H WATER TABLE LEVELS

1. Give the following information (the seasonal high water table is the level to which water typically rises at its highest stage annually; the seasonal low water table is the level to which water typically falls at its lowest stage annually).

- (a) The estimated maximum depth of mining: 25 feet from ground surface
- (b) The estimated seasonal high water table level in the main permit area: 25 feet from ground surface
- (c) The estimated seasonal low water table level in the main permit area: 40 feet from ground surface

2. Give the information sources used (the MBMG, landowners, field observations, and water well logs are good sources).

Answer: Well logs and local knowledge. Mining will not occur below the groundwater table. It may be possible to mine 28 feet deep in some areas but only 22 feet in others.

I-I SOIL AND OVERBURDEN THICKNESSES

1. Give the following soil and overburden thickness information (examine test holes, observation points such as road cuts and highwalls, and soil survey information to determine the break between soil and overburden; soil is darker colored, has moderate to strong soil structure, and/or contains the majority of plant roots; overburden is lighter-colored, has weak structure or is structureless, and/or contains few to no roots; when overburden is the mine material, as in a borrow site or when needed as binder, an appropriate quantity must first be dedicated to satisfying the soil plus overburden replacement thickness requirements given in III[F]).

(a) Access road area soil*	Range: <u>0</u> to <u>24</u> inches	Average thickness: <u>12</u> inches
(b) Other facility-level area soil	Range: <u> </u> to <u> </u> inches	Average thickness: <u> </u> inches
(c) Mine-level area soil	Range: <u>12</u> to <u>12</u> inches	Average thickness: <u>12</u> inches
(d) Mine-level area overburden	Range: <u>6</u> to <u>6</u> inches	Average thickness: <u>6</u> inches

*For new road locations and new areas to be used for improvements to existing roads. Improvements include substantial widening, cutting, and filling. An existing road is a worn two-track trail on up to a paved road.

2. Give the information sources used (for each category above, obtain field information from a representative number of test holes or observation points; list this information below or reference it here and attach a copy; the Test Hole Log form is available for use; the DEQ may require additional information depending on the size and nature of the areas; obtain soil survey information from the Natural Resources Conservation Service).

Answer: Sources include well driller's information, local knowledge and observation of badger holes.

I-J VEGETATION

Describe the vegetation in the main permit area (list the dominant grasses, forbs, shrubs, and trees; list the noxious weeds observed; landowners, field observations, and soil surveys are good information sources).

Answer: Range grasses and alfalfa predominate in main permit area. Some Canada Thistle along bottom of terrace slope in proposed topsoil stockpile area.

I-K WILDLIFE

1. Describe the fish and wildlife habitats along access roads (see the list of habitats in the Map Guideline; landowners, field observations, and state and federal agencies [DFWP, DNRC, USFS, BLM, USFWS] are good information sources).

Answer: Fish: none.

Wildlife: open grass and farmland. Little cover.

2. Describe the fish and wildlife habitats in and within 1,000 feet of the main permit area.

Answer: Same as above. There are riparian areas along the Farmers' Canal that include shrubs and cottonwood trees that would provide some habitat for birds and small mammals.

I-L ADDITIONAL INFORMATION

Describe other characteristics or circumstances unique to the proposed permit and surrounding area.

Answer: None.

SECTION II - OPERATIONS

II-A MARKERS

1. Operator has:

(a) Clearly marked new road locations and existing roads to be improved (place temporary, bright-colored markers at every curve, no more than about 300 feet apart, and so they are visible from one to the next).

(b) Clearly marked the main permit area boundary segments that require marking (boundary segments defined by definite topographic changes, natural barriers, or man-made structures, or located in active hayland or cropland, need not be marked; place durable, bright-colored markers at every corner, no more than about 300 feet apart, and so they are visible from one to the next; stout steel or wood posts are recommended; a boundary marker must remain in place until the beginning of final reclamation of the adjacent area).

2. Describe the materials used to clearly mark new road locations and existing roads to be improved.

Answer: Fences exist along both sides of the existing road that will be improved.

3. Describe the materials used to clearly mark the main permit area boundary segments that require marking.

Answer: The north boundary of the permit area is fenced. The other boundaries will be marked with metal fence posts.

4. Describe the main permit area boundary segments defined by definite topographic changes, natural barriers, or man-made structures.

Answer: The permit area consists of a gently sloping grass hayfield on an ancient floodplain terrace and the slope down to the level of the highway.

5. Describe the main permit area boundary segments located in active hayland or cropland.

Answer: The upper portion of the permit area excluding the slope has been active hayland. The slope portion is unimproved pasture. The two areas are separated by a fence at the top of the slope.

II-B ACCESS ROADS

1. Operator will:

(a) Properly establish and use access roads.

(b) Reclaim or downsize constructed or improved roads to premine condition, except as provided in 3, by:

(1) Retrieving and properly using, stockpiling, or disposing of materials used for road construction or improvement (materials include culverts, gravel, and pavement).

(2) Backfilling and grading in a manner that leaves stable surfaces blended into the surrounding topography and drainageways.

(3) Ripping, resoiling, and revegetating.

2. Describe the location of and design for each new access road to be constructed and existing road to be improved.

Answer: See drawing for location of access road. A gravel surfaced road exists from Highway 191 to the permit area. It will be improved by widening to 24 feet. This will necessitate a longer culvert where it crosses a seasonal irrigation ditch near the highway. An encroachment permit issued by the Montana Department of Transportation is attached.

3. Include on the Landowner Consent form a request describing the location, final width, and intended use of constructed or improved roads proposed to remain open at the conclusion of opencut operations (such roads may remain open for a reasonable use and must be left at a width and in a condition suitable for that use; a 12-foot width is recommended for most roads; if no constructed or improved road is proposed to remain open, put "none" here; otherwise, reference the Landowner Consent form here, put the required information on that form, and list "road" as a postmining land use under III[B]).

Answer: Access road is proposed to remain open at the close of mining and reclamation to provide access for future uses of the prop
See attached Landowner Consent form.

II-C MINING, FACILITIES, AND HAULING

1. Describe the general mining progression, including where the first excavation will occur, the direction mining will progress, and the heavy equipment likely to be used.

Answer: Mining will commence at the toe of the terrace slope where the existing access road meets the main permit area using front-end loaders. Initial mining will create an area large enough at the toe elevation to position a truck scale and the crusher spread. Depending on demand, stockpiles may be located on the upper elevations of the permit area for part or all of the first year of mining. Mining will proceed in a southeasterly direction in Mine Phase I.

2. Describe distinct mining phases, including an estimated timeline (for example, "We will mine with loaders to the ordinary water table level during the first year, then mine in the water with an excavator during the second year," or "We will mine the area closest to the subdivision during the first 2 weeks of June, then move to the north site for the rest of the operation").

Answer: Mining of Phase I will continue for approximately three years from the vicinity of the scale to the southeast toward the Farmers Canal. Excavation will be done to stay just above the groundwater table. In the first year, an area approximately 4 acres in size (see drawing) will be mined down 15 feet or about 11 feet above the water table to provide an area for the washplant. This depth will allow sediment ponds to be dug 8 feet deep and still have their bottoms above seasonal high ground water.

When mining of Phase I has been completed, Phase II will be mined with front-end loaders from the scale area to the northeast, once again staying above the ground water. A mobile crusher will be used that will come and go from the pit as needed. Its location will change each visit to stay close to active mining areas. The washplant equipment will be moved from the south side of the sediment ponds to the north side. When sufficient space exists for stockpiles in Phase II, reclamation of Phase I will commence from south to north.

After mining of Phase II is completed, probably about 2014, Phase III will be mined in a similar fashion. Reclamation of the entire area will be completed by the end of 2017.

An asphalt plant may be located on this site for a short-term, project-driven operation, such as a Highway 191 improvement.

3. Describe the facilities to be installed or constructed at the beginning of the operation and where they will be located (facilities include grizzly, screen, crusher, asphalt plant, wash plant and settling ponds, concrete plant, pug mill, fuel tanks, scale, and buildings; provide a diagram of a proposed wash plant and pond system; if the Wash Plant Settling Pond Guideline will be followed, reference it here and attach a copy).

Answer: After sufficient material is removed (either used for access road improvements, hauled off the site or stockpiled) a scale will be installed along the access road near where it enters the main permit area (see drawing). A portable crusher with grizzly feeder and screens will be set up to the south of the scale. Washplant and settling ponds will be installed after sufficient area is created by mining (see #2 above).

There are no plans to install a permanent asphalt plant. One may be brought in temporarily for a specific project. Its location will depend on where active mining is taking place at the time.

4. Describe the anticipated relocation, addition, or removal of facilities as the operation progresses, including the facilities involved, the operational phase when the action will take place, and where facilities will be relocated or added.

Answer: The crusher will be mobile and will come and go from the site as the need dictates. See II-C,3 above for a general description of the progress of the mining and moving of the crusher and washplant and the temporary location of an asphalt plant.

5. Describe the types of haul trucks to be used (additional hauling information may be required depending on the location of the site and the type of operation).

Answer: On site hauling will be mostly accomplished using front-end loaders and conveyors. Some onsite hauling with 10-wheel dumptrucks may be done during topsoil stripping. Otherwise all hauling will be from site to off-site locations with commercial end-dumps, belly or side dump trucks.

II-D HOURS OF OPERATION

Describe the anticipated hours of operation if other than 7 a.m. to 7 p.m., Monday through Friday (give time periods and days of the week; limited hours of operation may be required to reduce adverse impacts on residential or other areas; unless otherwise approved, hours of operation are applicable to mining, processing, loading, hauling, and outside maintenance activities).

Answer: 7 a.m. to 7 p.m. Monday through Friday for normal operations
8 a.m. to 5 p.m. on Saturday for maintenance and hauling
6 a.m. to 10 p.m. Monday thru Friday only for short term specific projects (3 mos. Maximum)

II-E WATER PROTECTION AND MANAGEMENT

1. Operator will:

- (a) Protect on- and off-site surface and ground water from adverse changes in quality and quantity that could be caused by opencut operations.
- (b) Prevent, minimize, or mitigate adverse impacts to on- and off-site surface and ground water structures and systems that could be caused by opencut operations.
- (c) Properly establish, use, and reclaim hydrologic structures and systems used for opencut operations.
- (d) Keep waste, concrete with protruding metal, asphalt, and stationary equipment above the seasonal high water level of surface and ground water.
- (e) Manage fuel storage as follows:
 - (1) Install or construct secondary containment structures for stationary, single-wall, fuel storage tanks in accordance with the current codes adopted by the State Fire Marshall.
 - (2) Routinely inspect and maintain tanks to prevent leaks and spills.
 - (3) Retrieve, handle, and dispose of spilled fuel and contaminated materials in a lawful manner.
 - (4) Report a fuel spill that reaches state waters or is greater than 25 gallons to the Montana Spill Hotline (406-841-3911; "state waters" means surface water, ditch water with return, and ground water).

2. Describe the source, quantity, storage, use, and discharge of water to be used for opencut operations (include water used for dust control, washing, pug milling, and concrete batching; consult the Department of Natural Resources and Conservation (DNRC), Water Rights Bureau [406-444-6610] to see if a water right is needed).

Answer: Source of water for dust control and washplant will be Farmer's Canal. Landowners have sufficient water rights that will be converted from agriculture to industrial for the life of the permit, then changed back. Sediment ponds will be arranged in series with adequate size to result in clear water in last pond which will be routed or pumped back to washplant to provide a portion of the wash water. No discharge of water will occur.

3. Describe the plan for handling solvents, washwater, and wastes associated with asphalt plant, concrete plant, and truck use.

Answer: Any unprocessed liquid waste from the asphalt plant or trucks shall be removed to an approved disposal site. Any solid asphalt mix shall be re-crushed as road-mix and hauled away from the site. Asphalt trucks shall be cleaned out on a washing stand situated on a concrete pad that slopes toward the middle and is covered with sand. When the sand is saturated, it will be disposed of off site at an approved site. See II-E2 above for discussion processing of washplant discharge.

4. Describe the fuel storage tanks to be used in the main permit area (stationary, mobile, single-wall, double-wall, capacity).

Answer: Fuel will be provided in mobile tanker truck.

5. Describe the secondary containment structures to be installed or constructed for stationary, single-wall, fuel storage tanks (if the Fuel Storage Guideline will be followed, reference it here and attach a copy).

Answer: Mobile truck-no stationary storage.

6. Describe the plan for managing surface water, sediment, and erosion during opencut operations (discuss the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence; provide designs for substantial structures; indicate which structures will remain as permanent features at the conclusion of opencut operations, if any).

Answer: Access roads will be constructed with ditches and culverts where needed to direct water to excavations or to natural drainageways. The west side of the topsoil berm along the west facing boundary of the permit area will be silt-fenced until temporary seeding is established to prevent storm-eroded soil from reaching the irrigation ditch that parallels the highway. Appropriate measures (silt fence or ditch blocks) will be taken during construction to widen the access road to prevent sediment from reaching the irrigation ditch.

7. Describe the plan for managing ground water during opencut operations (discuss the use of subsurface drainage, toe drains, interception ditches, French drains, dewatering wells and sumps, and groundwater barriers; provide designs for substantial structures; indicate which structures will remain as permanent features at the conclusion of opencut operations, if any).

Answer: No dewatering is planned for the mine.

8. Describe the measures to be used to protect the water rights of other parties, or to replace a water source, system, or structure that has a beneficial use but will be adversely affected by opencut operations (if the proposed operation will divert or capture surface or ground water, or if water will be put to a beneficial use such as dust control, gravel washing, stock water, fish and wildlife, irrigation, or recreation, consult the DNRC Water Rights Bureau [406-444-6610] about the need to protect or obtain a water right and provide a summary of that consultation).

Answer: Water used for pit operations will be supplied using surface water from the Farmer's Canal. No more water will be used than is currently available under existing water rights. See attached 'Meeting Notes' regarding meeting with DNRC representatives regarding use of existing water rights. No adverse effect on surrounding water right holders will occur due to pit operations.

II-F SOIL AND OVERBURDEN HANDLING

1. Operator will strip soil before other opencut operation disturbances occur.

2. Operator will handle soil and overburden separately and minimize the mixing of these materials (if possible, avoid handling soil and overburden when they are wet or frozen).

3. Operator will strip soil from new road locations, new areas to be used for improvements to existing roads, and other facility-level areas to the thicknesses identified in I-I (soil need not be stripped from soil stockpile areas and existing roads; soil stripping may create low spots that collect water, necessitating the establishment of drainage or construction of raised roadbeds and work areas).

4. Operator will:

(a) Strip soil from mine-level areas to the thickness identified in I-I.

(b) Strip overburden from mine-level areas as needed to satisfy the replacement thickness requirements given in III(F).

5. Operator will maintain a minimum 10-foot buffer stripped of soil and needed overburden along the edges of highwalls.

6. Operator will haul soil and overburden to areas prepared for resoiling, or stockpile and protect them from erosion, contamination, compaction, and unnecessary disturbance.

7. Operator will, at the first seasonal opportunity after soil or overburden stockpile completion, shape and seed to an approved mix a stockpile that will remain for 2 or more years.

8. Operator will keep soil on site and accessible until the approved postmining land uses are established to the DEQ's satisfaction (this ensures that soil remains available for reclamation regardless of the intended postmining land uses; do not use soil off site, give it away, or sell it).

II-G MINE MATERIAL HANDLING

1. Operator will:

(a) Keep mine material stockpiles out of drainage bottoms and off of slopes steeper than 3:1.

(b) At the conclusion of opencut operations:

(1) Remove from the permit area or bury excavated or processed mine material, except as provided in 2 (mine material buried en masse could be recovered if needed in the future).

(2) Consolidate mine material to remain stockpiled into piles of similar type and grade.

(3) Leave an appropriate amount of soil stockpiled, shaped, and seeded within 100 feet of each remaining mine material stockpile (cubic yards of soil to remain equals the square footage of unreclaimed area under and around a mine material stockpile times the thickness in feet of the soil that was stripped from this area divided by 27 cubic feet/cubic yard).

2. Include on the Landowner Consent form a request describing the approximate quantity and expected use for each type and grade of mine material proposed to remain stockpiled at the conclusion of opencut operations (only approved quantities may remain stockpiled; if no mine material is proposed to remain stockpiled, put "none" here; otherwise, reference the Landowner Consent form here, put the required information on that form, and list "mine material stockpile area" as a postmining land use under III[B]).

Answer: None.

II-H OTHER MATERIAL HANDLING

1. Operator will:

(a) Use only clean fill from any source and on-site-generated asphalt as mined-area backfill ("clean fill" means dirt, soil, overburden, sand, fines, gravel, oversize, rock, and concrete with no protruding metal; unless otherwise approved, dispose of asphalt at least 25 feet above the seasonal high water table level; imported dirt, soil, overburden, sand, and fines may be used to augment surface reclamation).

(b) Bury clean fill unsuitable for plant growth, and on-site-generated asphalt, under at least 3 feet of material suitable for sustaining the postmining vegetation.

(c) Place only on-site-generated overburden and fines in excess-material disposal sites (such sites are located outside of mined areas but in the permit area; they provide an opportunity for one-time handling of excess overburden and fines; disposal methods include filling low areas and making mounds; prepare and reclaim these sites per standard procedures).

(d) Dispose of burn pile residue, metal, plastic, tires, and other wastes off site and in a lawful manner.

(e) Remove from the permit area stockpiled asphalt, concrete, and clean fill that cannot or will not be buried during final reclamation.

2. Describe the location, material type, estimated quantity, and design for planned mined-area backfill sites.

Answer: No haulback to pit or backfill sites are included in plan.

3. Describe the location, material type, estimated quantity, and design for planned excess-material disposal sites.

Answer: If any rejected fines are produced, they will be placed in a stockpile until material is either sold or incorporated into reclamation.

4. Indicate if the proposed operation will include on-site stockpiling and recycling of imported asphalt and concrete and, if so, attach the Application For Concrete And Asphalt Recycling form.

Answer: No importing of asphalt or concrete is proposed. Some asphalt waste from on-site asphalt production may be recycled however. See attached Recycling Form.

II-I ADDITIONAL IMPACTS

1. Describe the methods and materials to be used to mitigate impacts on the structures and facilities listed in I(E) (noise and visual mitigation methods include buffer zones, berms, vegetative screens, equipment enclosures, equipment location, and restricted hours of operation [see II(D)]; dust control mitigation methods include spray, curtains, enclosures, speed limits, graveled and paved surfaces, limited disturbance area, and timely revegetation).

Answer: Topsoil berms will be constructed along the west, south and north sides of the permit area for noise and visual mitigation. Berms will be 12 feet high and up to 100 feet wide and will be shaped and seeded shortly after construction. Dust control methods will include spray bars on the crusher and magnesium chloride or watering on haul roads. Speed limits will be posted.

2. Describe other man-made features to be affected by opencut operations and the methods and materials to be used to repair or replace these features (features include fences, ditches, utilities, and non-access roads).

Answer: Culverts will be used at access road crossing of irrigation ditch at highway. Fences on the property will be moved or eliminated as mining progresses. A telephone junction box at the highway will be relocated to allow for the widening of the access road.

3. Address opencut operation impacts not addressed in other parts of this plan.

Answer: N/A

II-J ADDITIONAL COMMITMENTS

1. Operator will inform key personnel and subcontractors involved in opencut operations of the requirements of this plan.

2. Operator will take proper precautions to prevent wildfires.

3. Operator will provide appropriate protection for identified cultural resources that could be affected by opencut operations, and promptly notify the State Historic Preservation Office (406-444-7715) and the DEQ (406-444-4970) should additional resources be found.

4. Operator will submit an Annual Progress Report to the DEQ by March 1.

SECTION III – RECLAMATION PLAN

Some reclamation items are discussed in Section II.

III-A RECLAMATION TIMEFRAMES

1. Operator will complete reclamation work on an area no longer needed for opencut operations, or that the operator no longer has the right to use for opencut operations, within 1 year after the cessation of such operations or termination of such right.

2. Give a reasonable estimate of the month and year by which final reclamation of the permit area will be completed (consider the estimated mine material demand, expected rate of production, and accessible mine material reserves; complete final reclamation by the date given).

Answer: December, 2017

III-B POSTMINING LAND USES

Describe the types, locations, and sizes of postmining land use areas in the main permit area (disturbed areas must be reclaimed to productive uses such as water source pond, wetland, fish pond, riparian area, grassland, shrubland, woodland, special use pasture, hayland, cropland, wildlife habitat, livestock protection site, recreation site, and residential, commercial, and industrial building sites; design this plan to achieve the designated uses).

Answer: Postmining use will be grass pasture.

III-C SITE CLEANUP AND GRADING

1. Unless otherwise approved, operator will remove machinery, equipment, and structures from the permit area.
2. Operator will retrieve and properly use, stockpile, or dispose of foreign materials found in the main permit area (foreign materials include fines, gravel, and pavement; clean surfaces down to native material).
3. Operator will leave reclaimed surfaces:
 - (a) In a stable condition, graded to drain off site or to low areas, and blended into the surrounding topography and drainageways (irregular edges and contours are preferred for livestock and wildlife habitat; minimize slope lengths; reclaim drainageways to natural conditions).
 - (b) With 5:1 or flatter slopes for hayland and cropland, 4:1 or flatter slopes for sandy surfaces, and 3:1 or flatter slopes for other areas (steeper slopes may be approved for certain situations).
 - (c) At least 3 feet above the seasonal high water table level for dryland reclamation, and at least 3 feet below the seasonal low water table level for pond reclamation (seasonal ponds may be acceptable).

III-D SPECIAL RECLAMATION FEATURES

1. Describe the locations and designs for ponds (if the Pond Guideline will be followed, specify the types of ponds to be created; reference the guideline here, and attach a copy; consult the DNRC Water Rights Bureau [406-444-6610] to see if a water right is needed; if a pond site is dry during mining, notify the DEQ before it is filled so proper construction can be verified).

Answer: None

2. Describe the locations and designs for other special reclamation features (features include drainageways and building sites).

Answer: N/A

III-E RIPPING

Operator will alleviate compaction by ripping compacted surfaces and replaced overburden to a depth of at least 12 inches before resoiling (this important step relieves compaction, thus allowing air and water movement, root penetration, and subsurface drainage necessary for good plant growth; space ripper shanks about equal to ripping depth; rip on the contour where possible and when materials are dry enough to shatter; protect ripped areas from recompaction; ripping is not required for relatively non-compactable materials such as sands, rocky materials, and bedrock).

III-F SOIL AND OVERBURDEN REPLACEMENT

1. Operator will replace soil on applicable access road areas, other facility-level areas, and mine-level areas to the thicknesses identified in I-I (at the first seasonal opportunity, seed or plant a resoiled surface to the approved vegetative species, or seed it to a cover crop).
2. Operator will replace a minimum of 6 inches of overburden on mine-level areas (if overburden is available, the soil plus overburden replacement thickness must be up to 18 inches on dryland postmining land use areas, and up to 36 inches on irrigated and cropland postmining land use areas; excess overburden may be used for reclamation, as product, for backfill, or disposed of in an external material disposal site; private operators must post bond to cover the designated soil and overburden replacement thicknesses).

III-G REVEGETATION

1. Operator will:

- (a) Establish vegetation capable of sustaining the designated postmining land uses.
- (b) Use certified seed and comply with local weed district requirements.
- (c) Unless otherwise approved, seed during the late fall to early spring seeding season.
- (d) Ensure that areas seeded or planted to perennial species can be and are appropriately protected and managed from the time of seeding or planting through two growing seasons or until site stabilization and revegetation are achieved, whichever is longer.

2. Describe the types and rates of fertilizer or other soil amendment applications (this is typically listed as "Optional"; a starter fertilizer containing 10 pounds of nitrogen [N] and 30 pounds of phosphorous [P₂O₅] per acre may improve revegetation success; incorporate fertilizer into the seedbed during seedbed preparation or seeding).

Answer: 10 lb. Nitrogen (N) and 30 lb. Phosphorus (P₂O₅) per acre.

3. Describe the method of tilling to be used to relieve soil compaction and prepare the seedbed (methods include disking, chisel plowing, and harrowing; prepare seedbeds on the contour where possible; when the postmining land use is hayland or cropland, leave the surface free of rocks greater than 5 inches).

Answer: Disking

4. The primary method of seeding will be: drilling broadcasting (check one).

5. Give the species and rates of seeding or planting (give seeding rates as pounds of pure live seed per acre; if the Seed Mix Guideline mix will be used, reference it here and attach a copy; drill seed on the contour where possible; broadcast seed at a rate 100 percent higher than the drill seeding rate and drag or press the surface to cover the seed).

Answer: Fairfield pasture mix at the landowners' request.

6. Describe the erosion control products and mulches to be used (these are typically used on areas more likely to experience substantial erosion, such as drainageways and slopes greater than 3:1).

Answer: None

7. Describe the measures to be used to manage and protect sites until reclamation vegetation is established (measures include livestock management and fencing).

Answer: Fencing

SECTION IV - RECLAMATION BOND

BOND CALCULATION

Attach a proposed bond calculation (the bond amount must be based on an estimate of what it would cost the DEQ to reclaim, in accordance with this plan, the anticipated maximum disturbance during the life of the operation; use of the Reclamation Bond Spreadsheet is recommended; areas to remain undisturbed until some point in the future, or for the life of the operation, may be permitted but need not be bonded; before non-bonded permit area is disturbed, post adequate bond to cover the area; governmental operators are exempt from bonding requirements).

See attached Bond Spreadsheet.

SECTION V - ADDITIONAL INFORMATION

Please note that this Plan of Operations and the accompanying bond cover the entire 52.96 acre permit. Although the reclamation bond specifies both mine and associated disturbance, it is the Operator's Understanding that conversion from associated disturbance to mine requires additional bond, but not additional review by the Opencut Mining program or the public.

I have read and understand this plan. I certify that the statements, descriptions, and information given apply to the proposed permit area, applicable adjacent areas, and proposed opencut operations. I affirm that this plan will be followed unless officially amended through the DEQ.

Operator: TMC, Inc. Site: Morgan Family, LLC Gravel Pit

Signature: *Jerry Rice* Title: *General Manager* Date: 10-18-07

Opencut Mining 10/05

SEP 30 2008

Reclamation Bond Spreadsheet

Operator name, site, and date created:

Operator: TMC, Inc.
 Site: Morgan Family LLC
 10/ /07

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

Comments:

Phase 1 of the mine includes the facility area for crushers and mineral stockpiles. Phases 2 and 3 will be converted from assoc. disturbance to mine at a later date. The topsoil/ buffer areas would only need re-seeding.

Acreage Breakdown

Mine Area	18.4	acres
Facility Area		acres
Access Roads		acres
Partial Release Area		acres
Undisturbed	34.5	acres
Total permit area	53.0	

Highwall reduction, backfilling, soil and overburden replacement

Highwall cut/fill (describe)	linear feet	height	slope ratio	cubic yards	
Vertical highwall at beginning	2,510	25	4:1	29,051	total
			1:1	0	29,051

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

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

mine soil and OB replacement	12	inches soil	6	inches overburden	total	18
facility soil replacement		inches soil			total	0
access road soil replacement		inches soil			total	0

ITEM	UNIT	AMOUNT	RATE	TOTAL
highwalls and backfill		29,051 cu yds	\$1 per cubic yard	\$29,051
mine area grading		18.4 acres	\$200 per acre	\$3,686
mine area ripping		18.4 acres	\$100 per acre	\$1,843
mine soil and OB replacement	18 inches	18.4 acres	\$135 per inch/acre	\$44,785
facility area grading		0.0 acres	\$100 per acre	\$0
facility area ripping		0.0 acres	\$100 per inch/acre	\$0
facility soil replacement	0 inches	0.0 acres	\$135 per inch/acre	\$0
access road area grading		0.0 acres	\$100 per acre	\$0
access road area ripping		0.0 acres	\$100 per inch/acre	\$0
access road soil replacement	0 inches	0.0 acres	\$135 per inch/acre	\$0
seeding or other revegetation		18.4 acres	\$200 per acre	\$3,686
fencing		linear ft	\$1 per linear foot	\$0
weed control		18.4 acres	\$100 per acre	\$1,843
asphalt or concrete recycle pile	500 cu yds	10 miles	\$0.20 per cubic yard/mile	\$1,000
partially released acres		0.0 acres	\$300 per acre	\$0
undisturbed acres		acres	\$0 per acre	\$0
Topsoll/ buffer zone		7.2	\$200	\$1,446
Assoc. disturbance		27.3		\$0

mobilization	4 loads	20.0 miles	\$9.00 per round trip mile	\$720
round trip miles to the town of	Belgrade			

DEQ administrative costs - 10% of subtotal

\$8,806

Total acreage = 53.0 Per acre rate = \$1,829.04 Total bond = \$96,866

Prepared by: _____

Opencut Mining 10/05

812 00 000



Montana Topographic Map Finder

The map is 1.80 miles wide.

Select a Map Control, then click on the map

Map Controls

Zoom In Zoom Factor

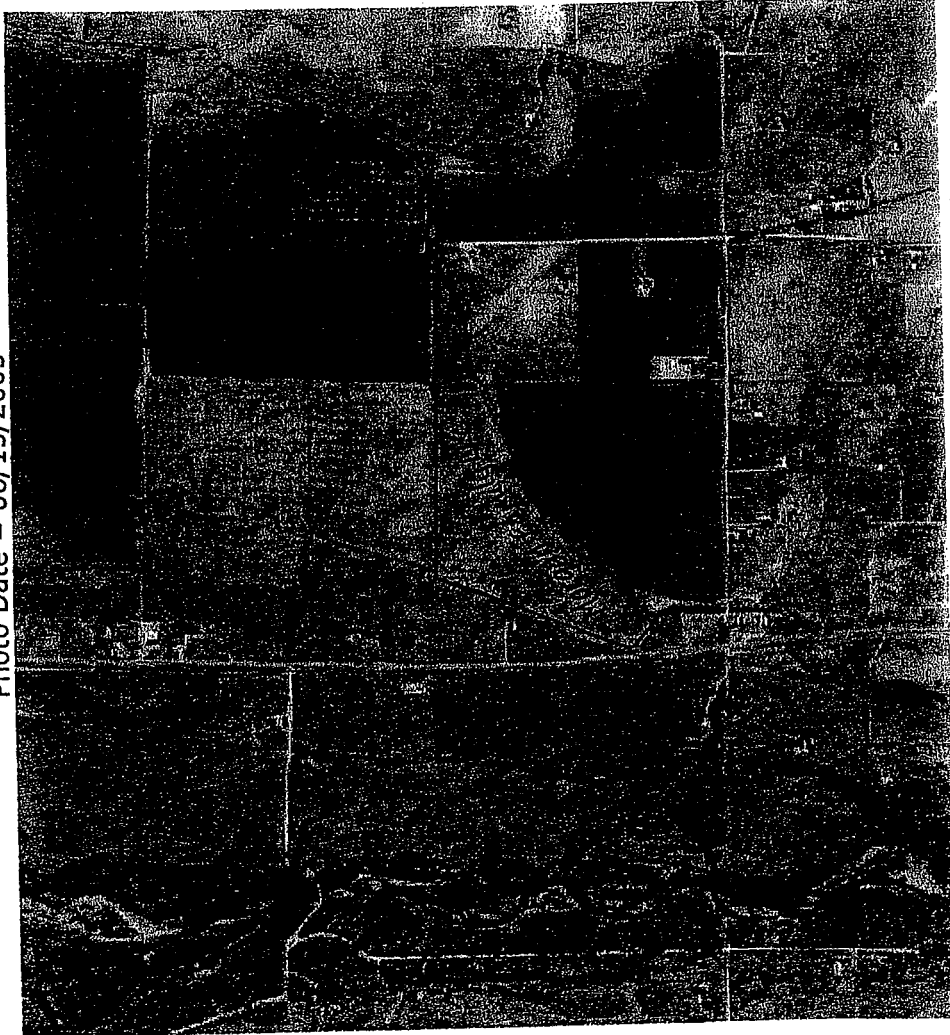
 Zoom Out

 New Center

 State View

Photo Date = 08/15/2005

Choose Image Type



Map Center Coordinates at Red +

Datum: NAD83 NAD27

Decimal Degrees
Lat 45.61897 Long -111.19151

State Plane
E 468126 N 153568

UTM Zone 12
E 485070 N 5051732

US National Grid
12T VR 85070 51732

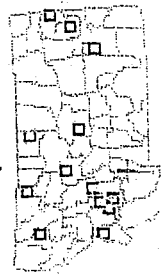
TRS T2S R4E S35

Hydrologic Unit 10020008
Gallatin River

Download Orthophoto: Tile 3134

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

APPLICATION FOR CONCRETE AND ASPHALT RECYCLING

Operator name: TMC, Inc. Site name: Morgan Family, LLC Gravel Pit Permit/amend #s: _____

In order to accept concrete and asphalt brought to the site for recycling, the following information must be included as a part of the Plan Of Operation and bond.

1. Specify how extracted rebar and other metal will be handled and where it will be disposed of or recycled.
2. Operator agrees that if the concrete is not processed, rebar and other metal will be cut off before the concrete is buried.
3. Operator agrees that if the unprocessed, metal free, recyclable concrete is not buried on site under 3 feet of cover, it will removed from the site and disposed of in a lawful manner. Operator also agrees that unprocessed asphalt will not be disposed of on site, but will be hauled to a licensed disposal facility.
4. The maximum amount of unprocessed, recyclable concrete and/or asphalt that will be on the site at any time is 500 cubic yards.
5. Operator agrees that any used concrete and/or asphalt brought to the site will be processed before the end of the next construction season. (No haulback to pit allowed)
6. Operator attests that the cost of disposal of the maximum amount of unprocessed recyclable concrete and asphalt anticipated to be on the site at any time is \$ 1000.
7. Operator attests that the site reclamation bond has been adjusted to reflect the cost provided in 6 above.
8. Attached is a site map showing the locations of the concrete and/or asphalt processing operation and unprocessed, recyclable concrete and/or asphalt stockpile area. Also shown on the map is the area where the concrete and/or asphalt would be buried if not recycled.

Additional information: There will be no concrete material brought to or recycled at this facility. The only asphalt waste anticipated is if, during an asphalt project, some asphalt pavement is rejected, contaminated or for some other reason not used on the project.

Operator Signature: _____ Title: _____ Date: _____

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DEQ BILLINGS

MEETING NOTES

Date: October 16, 2007

Place: DNRC Regional Office, Bozeman

Attendees: Jan Mack, Montana Department of Natural Resources
Mike Raymond & Susan Hellier, Kenai Engineering, Inc.

After explaining to Jan that the Morgans would like to convert some of their water rights from irrigation to industrial use, and then back to irrigation, Jan consulted with Scott Compton, Regional Director. Together, they determined that it would be possible to request a 'temporary change of use' under regulation 85-2-407. This would allow for water, previously used for irrigation, to be used for a gravel washplant and dust control. After a specified term, not to exceed ten years, the water right would automatically revert to irrigation use.

If the gravel operation was completed sooner than planned, the use could probably be converted back to irrigation use, but only by requesting a change of use through the usual application process. Otherwise, the owners would have to wait for the water right to revert at the end of the specified time period before irrigation could resume.

Jan provided forms and information needed to request the temporary change. Debi Pierce also of DNRC, provided us with copies of water right abstracts for the Morgan property.

LANDOWNER CONSULTATION

Submit this form as part of a permit application or an amendment application that will add acreage or change the postmining land use. This form is not needed if the operator owns the land.

Operator name: TMC, Inc. Landowner name: Morgan Family, LLC

Legal description: ¼ SE ¼, Sec. 35, T. 2 S, R. 4 E
 ¼ ¼, Sec. , T. N/S, R. E/W

County: Gallatin

Landowner acknowledges the following:

1. Landowner owns the above-described land.
2. Operator proposes to conduct opencut operations on the above-described land subject to the requirements of the Opencut Mining Act (Title 82, chapter 4, part 4, MCA), the Rules thereunder, and the permit.
3. Landowner has read and understands the Plan of Operation for the proposed opencut operation and has provided his/her comments and recommendations below.
4. Landowner agrees that the operator will have the exclusive right to conduct opencut operations in the permit area, and that the operator may give permission to other parties to conduct such operations in the permit area in accordance with the Plan of Operation and with the understanding that the operator remains responsible for those activities.
5. Landowner agrees to allow Department personnel access to the above-described land for inspection purposes until the Opencut permit is fully released.
6. Landowner agrees to allow the operator, Department, or Department's agents or contractors access to the above-described land to complete reclamation in accordance with the Plan of Operation.
7. Landowner understands that a site reclaimed to cropland is typically released after one crop has been successfully grown, and a site reclaimed to perennial vegetation is typically released after two complete growing seasons or when site stabilization and revegetation is achieved, whichever is longer.
8. Landowner agrees to fully disclose in writing to any purchaser of the above-described land, prior to closing, that landowner has agreed to the conditions contained in this agreement and that these obligations run with the land, meaning the new landowner would likewise be obligated to these conditions.

Your cooperation regarding proper site protection and management during vegetation establishment is appreciated. If you have questions or comments about the mining operation, reclamation, site release or program, contact the Department.

Landowner comments/recommendations: We want to retain the haul road at the close of mining so that we can continue to access our field.

Landowner Name (print or type): Morgan Family, LLC

Landowner Signature: Marilee M Langford
Wife Morgan

Date: 11-8-07

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SEP 15 2008

DEQ BILLINGS

LANDOWNER CONSENT

Submit this form as part of a permit application or an amendment application that will add acreage or change the postmining land use. This form is not needed if the operator owns the land.

Operator name: TMC, Inc. Landowner name: Morgan Family LLC

Legal description: 1/4 SE 1/4, Sec. 35, T. 2 S, R. 4 E
1/4 1/4, Sec. _____, T. _____ N/S, R. _____ E/W

County: Gallatin

Landowner acknowledges or consents to the following:

1. Landowner owns the above-described land.
2. Operator proposes to conduct opencut operations on the above-described land subject to the requirements of the Opencut Mining Act (Title 82, chapter 4, part 4, MCA), the Rules thereunder, and the permit.
3. Landowner has read and understands the Plan Of Operation for the proposed opencut operation and has provided his/her comments and recommendations below.
4. Landowner agrees that the operator will have the exclusive right to conduct opencut operations in the permit area, and that the operator may give permission to other parties to conduct such operations in the permit area in accordance with the Plan Of Operation and with the understanding that the operator remains responsible for those activities.
5. Landowner agrees to allow Department personnel access to the above-described land for inspection purposes until the Opencut Permit is fully released.
6. Landowner agrees to allow the operator, Department, or Department's agents or contractors access to the above-described land to complete reclamation in accordance with the Plan Of Operation.
7. Landowner understands that a site reclaimed to cropland is typically released after one crop has been successfully grown, and a site reclaimed to perennial vegetation is typically released after two complete growing seasons or when site stabilization and revegetation is achieved, whichever is longer.
8. Landowner agrees to fully disclose in writing to any purchaser of the above-described land, prior to closing, that landowner has agreed to the conditions contained in this agreement and that these obligations run with the land, meaning the new landowner would likewise be obligated to these conditions.

Your cooperation regarding proper site protection and management during vegetation establishment is appreciated. If you have questions or comments about the mining operation, reclamation, site release, or program, contact the Department.

Landowner comments/recommendations: We want to retain the haul road at the close of mining so that we can continue to access our field.

Landowner Name (print or type): MORGAN FAMILY LLC

Landowner Signature: [Handwritten Signature]

Date: 10-18-07

SEP 30 2008

RESIDENT NOTIFICATION

Operator. This form is not mandatory, but using it may help expedite the permitting process by readily identifying concerns residents living near the proposed access roads and main permit area may have about the proposed opencut operation. If this form is not used, the Department may need to advertise the availability of the Environmental Assessment and solicit public comment, prolonging the application review process. If you decide to use this form, have a representative of each residence located within 500 feet of proposed access roads and 1,000 feet of the proposed main permit area check off and sign a copy. Depending on circumstances, the Department may request that you obtain signed forms from residents living farther away from the proposed access roads and main permit area. A form is not needed from the owner of the proposed access road and main permit area locations.

Resident. Contact the operator or Department if you would like more information about the proposed operation. Approval or denial of the application will be based on a determination of whether or not the proposed operation complies with the Opencut Mining Act, the Rules thereunder, and local laws and regulations--not on the popularity of the project.

I have been informed of TMC, Inc. (operator) proposed opencut operation at the Morgan Family LLC site in the

 1/4 SE 1/4, Sec. 35, T. 2 S, R. 4 E
 1/4 1/4, Sec. , T. N/S, R. E/W

Gallatin County.

Check one:

I would like to receive a copy of the Environmental Assessment before the permit decision and any additional information issued by the Department about the project (the Department will send you a copy of the Environmental Assessment when it is completed and instructions on how to submit comments).

I would not like to receive a copy of the Environmental Assessment or any additional information.

Provide comments here and attach additional information: _____

Resident Name (print or type)

Address

Signature

City, State, Zip

Date

Phone Number

Neighbors within 1000 feet of proposed Morgan Family LLC Gravel Pit

<u>Tract</u>	<u>Name</u>	<u>Address</u>
TR. 1A & 2A COS 2612A	Frank & Rita Cardello	9940 E. Yucca Street Scottsdale, AZ 85260
Lot 2, COS 2628	Connie L. Winks	804 3 rd Ave., NE Mandan, N.D. 58554
Lot 1, COS 2628	Van Noy Trust	77799 Gallatin Road Bozeman, MT 59718
TR. 2, COS 1758	Ty & Crystal Spring	105 Grey Wolf Trail Bozeman, MT 59718
TR. 1, COS 1758	James & Joyce Brown	P.O. Box 294 Gallatin Gateway, MT 59730
TR. 16B, COS 2255	Ronald & Rachel Thein	P.O. Box 14 San Mateo, CA 9440
Tr. A3, COS 2255A	Shawn Sime	485 Zachariah Lane Bozeman, MT 59718
Salesville Cemetery	Steve Portnell	Box 605 Manhattan, MT 59741
Farmers' Canal	Bill Tatarka, Pres.	19 Lake Road Bozeman, MT 59718

October 15, 2007

Dear

Attached please find a drawing of a proposed gravel pit on the Morgan Family LLC property in the SE ¼ of Section 35, Township 2 South, Range 4 East, P.M.M. The plan is to mine the floodplain terrace and to remain above groundwater. At the end of mining the reclamation will look like the edge of the terrace moved eastwards. The mining operation should not be discernable once the irregular slopes of the terrace are re-vegetated.

Mining will begin in late 2007, and the final reclamation date is 2017. Materials from the mine will be hauled out to Highway 191. The mining operation will initially include use of front-end loaders, excavators, screen and crushers. After the first year a wash plant will be located on the northeast corner of Phase 1. At a later date an asphalt plant could be located on the facilities area for a short period of time. This would be a mobile plant for a particular project, and then it would be removed.

Normal hours of operation will be 7 a.m. to 7 p.m. Monday through Friday with some hours (8 a.m. to 5 p.m.) for maintenance or hauling on Saturday if necessary. Hours may be extended from 6 a.m. to 10 p.m. Monday through Friday if a special contract occurs with a limited time frame for the operator to produce the required materials. These extended hours would be allowed for three months maximum, and the neighbors would be notified in advance.

Opencut operations require an air-quality permit and operators must control the dust from trucks, the pit floor and from all processing equipment. Also, the Operator is not allowed to adversely affect neighboring surface waters or groundwater. Topsoil stockpile berms will be located along the north, south and west lines of the permit area as sight and sound barriers.

The Opencut Mining Program gives you the opportunity to comment about the Morgan proposal on the attached Resident Notification form. Please send your comments to Jo Stephen, Opencut Mining Program, Airport Business Park, 1371 Rimtop Drive, Billings, MT 59105-1978. If you have any questions about the Plan of Operations, feel free to call me at 388-6844, ext. 5.

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SEP 15 2008

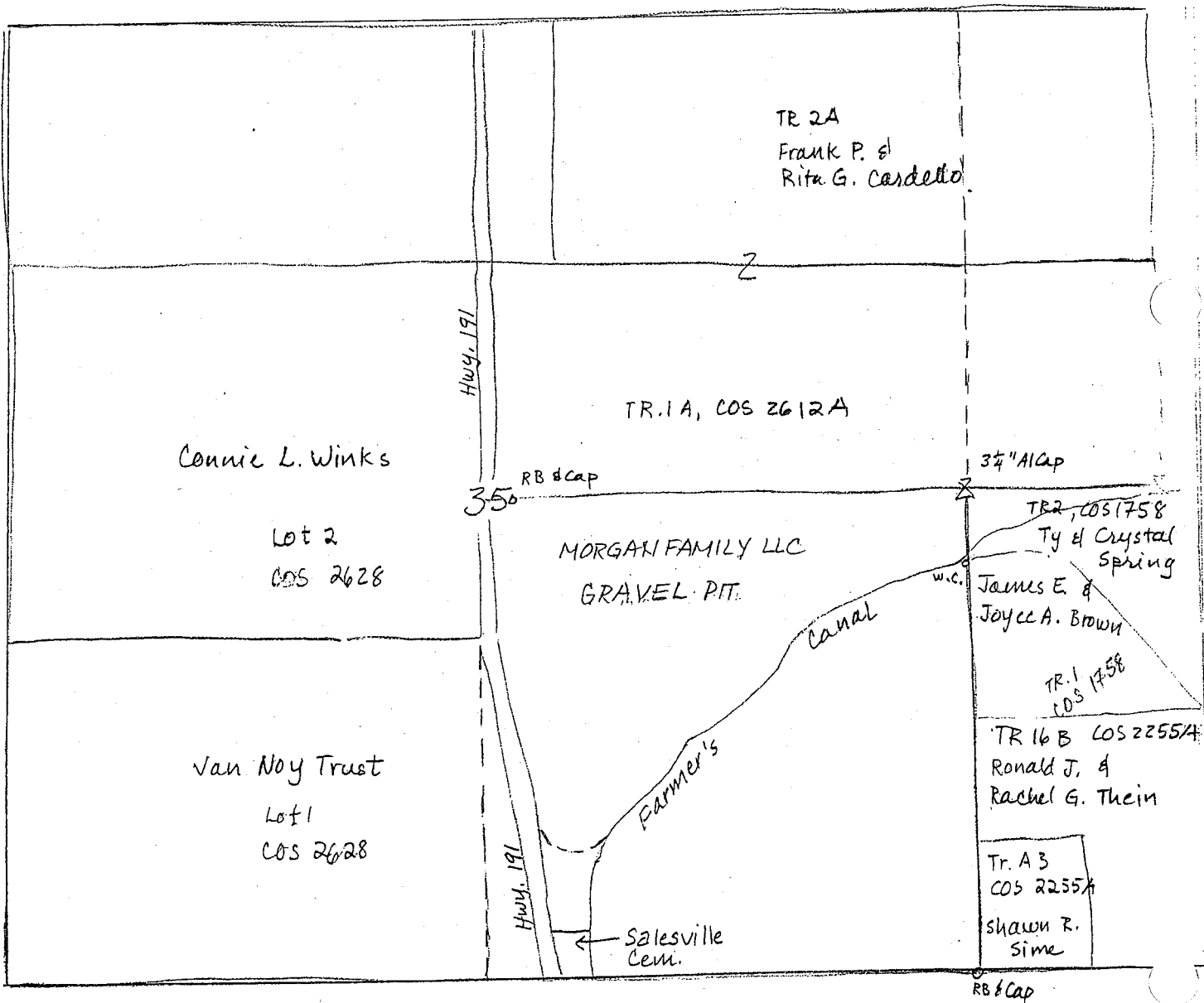
DEQ BILLINGS

Sincerely,

Jerry Rice, TMC Manager

NEIGHBORS OF MORGAN FAMILY LLC

SEC. 35, T2S, R4E



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.

TMC, Inc. _____ (operator) has provided notification to the county/city about the proposed sand and gravel operation at the
Morgan Family LLC site in the

____ 1/4 SE 1/4, Sec. 35, T. 2 S, R. 4 E
____ 1/4 ____ 1/4, Sec. _____, T. _____ N/S, R. _____ E/W

Gallatin County.

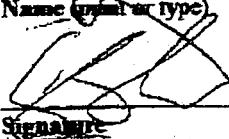
Please check one of the following:

Site location is not zoned. *Please see attached letter to Susan Hellier*
 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.

Greg Sullivan
Name (print or type)


Signature

Gallatin County Planning Director
Title

10/17/07
Date

Opencut Mining 10/05

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SEP 15 2008

DEQ BILLINGS

SEP 20 2008



GALLATIN COUNTY

VIA FACSIMILE - MAIL COPY WILL FOLLOW

October 17, 2007

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

**RE: Zoning Compliance for TMC Pit on Property Owned by Morgan Family
LLC in SE ¼ of Section 35, T2S, R4E**

Ms. Hellier,

Attached you will find a completed Zoning Compliance Form you submitted yesterday for a proposed sand and gravel operation governed by the Montana Opencut Mining Act located north of Zachariah Lane along the east side of the Gallatin Road. As noted on the form, the property for which you submitted this form is not currently zoned.

Please note, however, the property under consideration is located in an area where a well-developed neighborhood planning effort is currently underway. I have attached a draft map of the Gallatin Gateway Community Planning Area. In fact, a major public meeting regarding the neighborhood plan will occur tonight, October 17, 2007, at 7:00 PM in the Gallatin Gateway Community Center. Please also note that at some point in the future, upon adoption of a neighborhood plan by the Gallatin County Commission, permanent zoning regulations may also be adopted for this area.

I would also like to formally notify you of two pending hearings regarding gravel pits that may be of interest to your client, TMC, Inc. On November 8, 2007, the Gallatin County Commission will hold a public hearing regarding a request by citizens in the Gallatin Gateway and Highline Road areas of Gallatin County for the County Commission to adopt interim zoning regulations to address operations that mine sand and gravel and operations that mix concrete or batch asphalt pursuant to Section 76-2-206, MCA (2007). At this hearing, the Commission may decide to pursue an interim zoning measure that could, if adopted, affect the proposal by TMC, Inc. on the Morgan Family, LLC property as well as other projects under consideration by TMC, Inc. in the area. If the Commission were to decide to pursue interim zoning, subsequent hearings on a draft regulation and boundaries will be held during this coming November and December. I suggest

Planning Department • 311 West Main, #208 • Bozeman, MT 59715
Phone (406) 582-3130 • FAX (406) 582-3135

you keep apprised of this process to determine how it will affect this and other TMC, Inc. proposed projects.

In addition, Senator Gary Perry (R-Manhattan) is holding a hearing on gravel pits in the Gallatin Gateway and Highline Road areas of the county this coming Monday, October 22, 2007 at 6:30 PM in the Gallatin Gateway Community Center. This meeting will involve representatives from the Montana Department of Environmental Quality, the Montana Department of Natural Resources and Conservation as well as several local elected officials.

If you have any questions regarding the neighborhood planning effort in Gallatin Gateway or regarding the pending hearing before the Commission on interim zoning, please do not hesitate to contact me.

Sincerely,



Gregory S. Sullivan
Director, Gallatin County Planning Department

C: County Commission
Planning Staff



GWIC Data > Well Construction Data > Township: 02S Range: 04E Sec: 35

The following data were returned from the GWIC databases for the area you requested. For a more detailed description of the data view the [GWIC Metadata report](#). If you notice data entry errors or have questions please let us know by clicking [here](#) to leave us a message. If you wish to view a one page report for a particular site, click the hyperlinked Gwic Id for that well. Scroll to the right of your screen to view all the data. All data displayed on the screen may not show up when printed.

Retrieval Statistics*			
Field	Max	Min	Avg
Total Depth (ft)	175.00	20.00	49.21
Static Water Level (ft)	121.00	4.83	20.25
Yield (gpm)	100.00	5.80	40.45

* These statistics do not take any geographic, topographic, or geologic factors into consideration. Negative swl values are reported for water levels that are above land surface.

Did you know about...

Other GWIC data
 GWIC has 1 water quality sample(s) for this area.
 GWIC has 2 field visit(s) for this request area.
 GWIC has 6799 water level(s) for this request area.

Thanks, just take me back to the menu.

Other MBMG data
 MBMG has 398 publications available for GALLATIN county.

Gwic Id	PDF	DNRC WR	Site Name	Twn	Rng	Sec	Q Sec	Ver?	Type	Td	Swl	Pwl	Rwl	Yield	Test	Date	Use
95568			CHAPMAN JOHN	02S	04E	35		No	WELL	30.00	7.00	9.00		10.00	PUMP	5/13/1875	DOMESTIC
95569			WARD IVAN * WELL #1	02S	04E	35	A	No	WELL	30.00	12.00				OTHER	1/1/1913	DOMESTIC
95570			WARD IVAN * WELL #2	02S	04E	35	A	No	WELL	20.00	12.00				OTHER	1/1/1913	DOMESTIC
95571			WARD IVAN * WELL #3	02S	04E	35	A	No	WELL	30.00	12.00				OTHER	1/1/1925	DOMESTIC
130168			SPRAGGINS HUGH	02S	04E	35	ABBB	Yes	WELL	31.00	4.83				OTHER		DOMESTIC
95572			WARD IVAN	02S	04E	35	B	No	WELL	22.00	10.00			5.80	OTHER	1/1/1918	DOMESTIC
142831			LILLY MIKE	02S	04E	35	BA	No	WELL	40.00	5.00	30.00		60.00	AIR	10/11/1893	DOMESTIC
158351		C98013	DAVIS MICKY	02S	04E	35	BAD	No	WELL	40.00	6.00	35.00		100.00	AIR	6/10/1896	DOMESTIC
219000			GOLDSTEIN WALT & HEATHER HART	02S	04E	35	BBD	No	WELL	103.00	6.50		6.50	75.00	AIR	5/2/2005	DOMESTIC
222830			FOUR CORNERS WELL 04	02S	04E	35	BCBC	Yes	WELL	28.00					OTHER	10/25/2005	MONITORING
221919		C30022728	PETERSEN BRYAN	02S	04E	35	C	No	WELL	80.00	39.00		39.00	30.00	AIR	9/12/2005	DOMESTIC
238568			TMC INC	02S	04E	35	CB	No	WELL	38.00	23.00		23.00	30.00	AIR	9/12/2007	MONITORING
238567			TMC INC.	02S	04E	35	CB	No	WELL	43.00	28.00		28.00	45.00	AIR	9/11/2007	MONITORING
147755		95445	VAN NOY HOWARD	02S	04E	35	CDC	No	WELL	59.70	8.00	20.00		75.00	AIR	9/14/1894	DOMESTIC
95574			WALKER FLORENCE IONE * WELL #1	02S	04E	35	D	No	WELL	28.00	15.00			12.00	OTHER	1/1/1879	DOMESTIC
95573			WALKER FLORENCE IONE * WELL #2	02S	04E	35	D	No	WELL	28.00	18.00			12.00	OTHER	1/1/1879	DOMESTIC

189068		DYKSTRA STAN	02S	04E	35	DA	No	WELL	175.00	121.00	121.00	21.00	AIR	6/18/2001	DOMESTIC
170023		C106201-00 GIAN FRANSCICO SAM	02S	04E	35	DBD	No	WELL	60.00	17.00	55.00	50.00	AIR	10/13/1998	DOMESTIC

End of Report.
3 record(s) listed.

Items of Note:

¹This report is restricted to site types of WELL, BOREHOLE, SPRING, COAL BED METHANE WELL, PETWELL.

²A single well record (a distinct GWIC Id) may be represented by more than one line in this report if more than one performance test was conducted on the well at the time of drilling.

Explanation of Columns:

GWIC Id = Key field for the GWIC database. Links to one page reports.

PDF = Are scanned documents available through the Document Manager?

- = Yes, click on the icon to download the PDF file.
- = No, well was submitted electronically. No paper record exists.

DNRC WR = Water right number assigned to this site by Department of Natural Resources and Conservation.

Site Name = Current owner name assigned to GWIC record.

Location = Location of site in Montana township, range, section, and quarter-section coordinates.

Ver? = Has this location been verified by field staff?

Type = Type of site assigned to GWIC record.

Td = Total depth of well in feet below ground.

Swl = Static water level in feet above/below ground - Negative values are reported for water levels that are above land surface.

Pwl = Pumping water level in feet below ground.

Rwl = Recovery water level in feet below ground.

Yield = Yield in gallons per minute.

Test = Type of performance test reported.

Date = Completion date of well/borehole.

Use = Reported use of water.

The preceding materials represent the contents of the GWIC databases at the Montana Bureau of Mines and Geology at the time and date of the retrieval. The information is considered unpublished and is subject to correction and review on a daily basis. The Bureau warrants the accurate transmission of the data to the original end user at the time and date of the retrieval. Retransmission of the data to other users is discouraged and the Bureau claims no responsibility if the material is retransmitted. There may be wells in the request area that are not recorded at the Information Center.

Ground-Water Information Center Online 1998 - 2007

[Staff](#) | [Privacy Statement](#)

WEED COMPLIANCE

To ensure that a proposed mining operation governed by the Opencut Mining Act will be in compliance with local weed district regulations, permit applications must include this form.

TMC, Inc. (operator) submitted a copy of its proposed Plan Of Operation for the Morgan Family LLC site in the

SE ¼, Sec. 35, T. 2 S, R. 4 E

¼, Sec. _____, T. _____ N/S, R. _____ E/W

Gallatin County to the weed district. The landowner of this site is Morgan Family LLC.

Operator is in compliance with weed district requirements for the proposed opencut operation.

COUNTY WEED COORDINATOR

Dennis R Hengel
Name (print or type)

Dennis R Hengel
Signature

11/09/07
Date

406.582.3265
Phone Number

C 1/4
SEC. 35

FD. REBAR
& CAP. W.C.
39.15' FROM
C 1/4 POSITION

BASIS OF BEARINGS: S89°29'40"E (PER COS 2612A)

E 1/4 COR., SEC.35
FD. REBAR & ALUM. CAP

2550.34'(M) 2550.38'(R)

TOPSOIL STOCKPILE AREA
3.21 acres

75'

Water Elev. =
510.60' (10/2/07)

FD. CONCR.
R/W MON.
TEL. BOX

FD. CONCR.
R/W MON.

C.P.4
Iron Pin

TOPSOIL/
BUFFER
1.27 acres

C.P.1
Iron Pin
EL. 500.00'
(assumed)

PHASE 2

PHASE 3

Trailer

CRUSHERS

MINERAL
STOCKPILES

TOPSOIL/
BUFFER
1.15 acres

MINE PHASE 1
18.43 acres

SEDIMENT PONDS

ACREAGES

MINE (PHASE 1)	18.43 AC.
TOPSOIL AREAS	7.23
ASSOC. DISTURB. (PH. 2 & 3)	27.30
TOTAL PERMIT	52.96 AC.

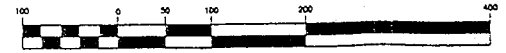
WASH
PLANT

WELL #1
Groundwater
27.96' below
grade

MORGAN FAMILY LLC GRAVEL PIT

IN SE 1/4, SECTION 35, TOWNSHIP 2 S., RANGE 4 E., P.M.M.
GALLATIN COUNTY, MONTANA

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft. (24" x 36")
1 inch = 200 ft. (11" x 17")
Contour interval = 2 ft.

Headgate
Water elev. =
512.29' (10/2/07)

S004115E
2554.04(R)
10 SE COR.
SECTION 35

OWNER: MORGAN FAMILY LLC
OPERATOR: TMC, INC.

KENAI ENGINEERING, INC.
BOX 457, GALLATIN GTWY, MT 59730

DATE: 10/07
REV.:

N-S CENTER-SECTION LINE

Hwy. 191 R/W FENCE

TOPSOIL STOCK-
PILE AREA
1.60 acres

TOP OF BANK

WEIR

FARMERS CANAL

PRG
DITCH

Pump

SCALE

300' (TP)

50' 25'

50'

Headgate

498

500

500

510

510

486

490

492

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500

502

504

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