

Rogers, Tom

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**From:** CKLR [roark@imt.net]  
**Sent:** Monday, November 24, 2008 11:35 AM  
**To:** Rogers, Tom  
**Cc:** Sullivan, Greg; Paul Shennum  
**Subject:** Storey Pit CUP  
**Attachments:** Comments on Draft Supp EA for Nuss-Rock Pit, by Bowlby.pdf



Dear Gallatin County Commissioners, Planning Board and Planning Department;

There are two technical issues that should be stressed concerning the proposed expansion of the Storey Pit:

- 1) Need for real site-specific air quality monitoring data; and
- 2) Need for real site-specific noise monitoring data.

Mitigation of site impacts should be based upon real site data. Application of air monitoring data from the existing three Gallatin County air quality stations to this site is insufficient. The comments submitted by Dr. Bowlby of Bowlby and Associates, that were prepared concerning the Nuss and Morgan Pit Draft EAs are also relevant for the Storey Pit, and are attached here for your review. Noise sources included in the noise estimations made in the Draft EA are consistently underestimated. Standard operations include much more heavy equipment (additional trucks, excavation equipment, loading equipment, conveyors, sorters, etc.) than were considered as sources of noise in the Draft EA. Inclusion of real site-specific data monitoring requirements will eliminate the need for correcting the estimations made in the Draft EA.

There are two important inter-connected social / community growth / planning issues that have consistently not been addressed by DEQ permitting or the Draft EA:

- 3) Need for predictability -- no permit creep, extensions, or expansions; and
- 4) Need to address the impact of gravel mining as a negative externality or environmental disamenity on the value of surrounding properties and impacts to community growth and development during mining.

Please consider the extensive database concerning these issues and include potential remedies for these in the Conditional Use Permit process. Many municipalities throughout the US are wrestling with the issues of private property rights and the impacts of gravel mining to surrounding property values and community growth patterns. The Google Alerts that I have on the topic show approximately a news article per week that directly relates to the property value issues, and include innovative use of bonds and compensation for property value losses, etc.

Finally, concerning the issue of implementation of the CUP:

- 5) The EA that is included in the CUP process is the Draft EA, and changes that are made by DEQ in finalizing that document (including requests for additional data and investigations) need to be incorporated in the CUP process.
- 6) The CUP process must be enforceable and enforced if it is to have any viability.

For example, the DEQ has historically considered the Plan of Operations included in the Opencut Permit as a "guideline", not a standard that must be met. Air quality complaints are routinely shifted from DEQ Opencut

Mining to DEQ Enforcement and back again, so that it is days before a complaint is even considered. Enforcement mechanisms must be effective, clear and supported by political will, as well as county resources.

The CUP process that Gallatin County is forging is the key to facilitating the co-existence of gravel mining operations that support growth and the neighborhoods that they impact. Thank you for your ongoing efforts to craft a solution for these issues.

Sincerely,

Carol

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