



May 24, 2021

Sent via email to [rdooffice@co.fergus.mt.us](mailto:rdooffice@co.fergus.mt.us)

Fergus County Road Dept  
81 Armory Rd  
Lewistown, MT 59457

RE: Complete Application for Opencut Mining Permit  
Tresch Pit site, Opencut #3252  
Fergus County, Montana

To Whom It May Concern:

Your permit application materials received on May 17, 2021 have been reviewed by the Opencut Mining Section in accordance with the Opencut Mining Act (Act) and its implementing rules and has been found to be complete. Based on the *Surface Landowners List* submitted with your application, there are:

- Fewer than 10 property owners within one-half mile of the boundary of the proposed opencut permit area; or
- 10 or more property owners within one-half mile of the boundary of the proposed opencut permit area.

Your application is for:  A new permit; or  
 An amendment increasing the acreage by at least 50% of the amount of permitted acreage in the original permit.

**As a result, you must provide public notice within 15 days after the date of this letter (82-4-432(5-6), MCA). Your public notice must include:**

1. The name, address, and telephone number of the operator.
2. Descriptions of the acreage, estimated volume of overburden and materials to be removed, types of materials to be removed, facilities, duration of activities, and access points.
3. A legal description of the proposed opencut operation and a map, or directions on how to access a map, showing the location of the proposed opencut operation and immediately surrounding property.
4. The enclosed *Request for Public Meeting* form, which provides information on how surface landowners can request a public meeting.

**To provide public notice, within 15 days after the date of this letter, you must:**

1. Publish the notice at least twice in a newspaper of general circulation in the locality of the proposed operation. A map is not required in the notice if, in addition to the legal description of the proposed opencut operation, the notice provides an address for the map posted on the department's website and instructions for obtaining a paper copy of the map from an applicant. If the notice does not include a map, the applicant shall promptly provide a paper copy to a requestor.
2. Mail the notice, including the enclosed *Request for Public Meeting* form, by first-class mail to:
  - a. The board of county commissioners of the county in which the proposed operation is located.

- b. Surface owners of land within one-half mile of the proposed permit area (including the landowner(s) of the proposed permit area, unless the operator is the landowner).
3. Post the notice in at least two prominent locations at the site of the proposed operation, including near a public road if possible.
4. Provide the Program with a second version of the *Surface Landowners List* reporting the names and addresses of those sent the public notice, pursuant to item 2 above, and affirming that public notice has been completed pursuant to these requirements (82-4-432(5-6), MCA).

In accordance with the Act and its implementing rules, the statutory time period for the Program to identify deficiencies in the application is 30 days from the date of this notice. If the Program notes any deficiencies, you will receive a detailed letter identifying the deficiencies you must respond to before further processing of the application can occur. If no deficiencies are identified and you have submitted the updated *Surface Landowners List* you will receive the approved permit.

Note: No Opencut operations can be conducted in the Permit area until the Opencut Mining Section finishes reviewing your application; determines it is acceptable and issues an approved Permit.

If you have any questions, please contact the Opencut Section at (406) 444-4970.

Sincerely,



Jennfier Skartviet  
Program Support Specialist  
Opencut Mining Section  
Department of Environmental Quality  
P.O. Box 200901, Helena, Montana 59620-0901  
Phone: (406) 444-4936; Fax: (406) 444-4988  
[JSkartviet@mt.gov](mailto:JSkartviet@mt.gov)

Enc: *Request for Public Meeting* form

### REQUEST FOR PUBLIC MEETING

The Department of Environmental Quality (DEQ) is accepting requests for a public meeting on the following proposed Opencut operation in your area:

#### DEQ SECTION

**Operator:** Fergus County Road Dept    **Site:** Tresch Pit    **County:** Fergus    **Opencut #:** 3252

**Legal Description:** Section 3, Township 14 N, Range 17 W

**Public Meeting Request Period:** The DEQ will accept requests for a public meeting until June 23, 2021.

#### SURFACE LANDOWNER SECTION

1. When determining the number of surface landowners eligible to request a public meeting:
  - a. Multiple parties owning the same parcel of land are counted as 1 landowner.
  - b. A party owning multiple parcels of land is counted as 1 landowner, regardless of the number of parcels owned.
2. If you wish to request a public meeting, complete the following and submit to:  
DEQ Opencut Mining Program, PO Box 200901, Helena, MT 59620-0901; Fax: (406) 444-4988;  
Email: [DEQOpencut@mt.gov](mailto:DEQOpencut@mt.gov)

YES or  NO (Check one) I request that DEQ conduct a public meeting about this proposed Opencut operation.

_____	_____
<b>Landowner:</b> Name (print or type)	Address
_____	_____
Email	City, State, Zip
_____	_____
Signature	Date
_____	_____
	Phone Number

**NOTE:** Landowners can also submit written comments about the proposed operation to the DEQ using the contact information listed below.

The following information applies to requests for a public meeting:

- A copy of the application for the proposed operation can be viewed at <http://deq.mt.gov/Mining/opencut>. If additional information about the proposed operation is needed, please contact the operator at the address or phone number listed in the public notice provided to you by the operator.
- In accordance with MCA 82-4-432[9], the DEQ must hold a public meeting in the area of the proposed operation if requested by the applicant, or at least 30% of the property owners or 10 property owners, whichever is greater.
- Prior to holding a public meeting, DEQ will send notice of the meeting by first-class mail to surface owners of land located within one-half mile of the boundary of the proposed permit area.
- The public meeting will be held within 30 days of the closing date of the public meeting request period indicated above.

#### **For DEQ use only:**

The landowner is on the list provided with the application pursuant to MCA 82-4-432[2](e).  
The landowner is on the list provided for the public notice pursuant to MCA 82-4-432[6](d).  
The landowner has previously submitted a *Request For Public Meeting* form.

YES     NO  
 YES     NO  
 YES  
Initials \_\_\_ Date \_\_\_