

Section 17.24.751

PROTECTION AND ENHANCEMENT OF FISH, WILDLIFE AND RELATED
ENVIRONMENTAL VALUES

(1) Endangered or Threatened Species

The SCM mining operation will be conducted such that it will not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of designated critical habitat. There has been no critical habitat of threatened or endangered species, as listed by the Secretary of the Interior, identified in the permit area. No plant or animal listed as threatened or endangered by the State of Montana resides within the permit area. Although occasional sightings of bald eagles occur during seasonal migrations and during the winter, no bald eagle breeding territory or nest occurs within the permit area. Incidental observations of bald and golden eagles will be reported in the Annual Wildlife Monitoring Report. Should any other occurrence of a threatened or endangered species (including bald or golden eagle roost/concentration areas and breeding territories) be observed, both the Department and the U.S. Fish and Wildlife Service will be notified as soon as possible. Additionally, the U.S. Fish and Wildlife Service's threatened and endangered species specific protective measures, contained in the Department's Fish and Wildlife Guidelines, will be implemented.

(2)(a) Design and Construction of Powerlines

SCM will ensure that all electric power lines and other associated transmission facilities in the permit area are designed and constructed to minimize collisions and electrocutions of raptors, waterfowl and other wildlife species and are in accordance with guidelines set forth in "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996 (Avian Power Line Interaction Committee, 1996)".

(2)(b) Design and Construction of Roads

SCM will locate and operate haul and access roads to avoid or minimize impacts to important fish and wildlife species, or other species protected by state and federal law.

Revised 4/26/11; Reference – Application 183

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(2)(c) Design and Construction of Fences

SCM will design and construct fences, overland conveyers, and other potential structures to permit passage of large mammals, except where the department determines that such requirements are unnecessary.

(2)(d) Exclusion of Wildlife from Hazardous Areas

SCM will fence, cover, or use other appropriate methods to exclude wildlife from ponds that contain hazardous concentrations of toxic forming materials.

(2)(e) Consultations with Appropriate Agencies

SCM will consult with appropriate state and federal fish and wildlife and land management agencies to insure that reclamation will provide for the habitat needs of various wildlife species in accordance with the approved postmining land use. Pursuant to 82-4-231(10)(j) and 82-4-232(9), MCA, special attention will be given to inanimate elements such as rock outcrops, boulders, rubble, dead trees, etc., that may have existed on the surface prior to mining, and to plant species with proven nutritional and cover values. Plant groupings and water sources must be distributed to fulfill the requirements for fish and wildlife. Vegetative cover will not be less than that required by the approved post-mining land use.

(2)(f) Restoration of Wetlands and Other High Value Habitats

SCM will restore, consistent with 82-4-231(10)(j), 82-4-232(9), and 82-4-233, MCA, or avoid disturbance to wetlands, riparian vegetation along rivers and streams and bordering ponds and lakes, and other habitats of unusually high value for fish and wildlife, and where practicable, enhance such habitats.

In conjunction with submittal of the Carbone Amendment application, a wetland delineation report for the entire mine area, including the Pit 4 area, was submitted as Appendix L2. Table 1 of that report presents the wetlands that were delineated. Prior to the disturbance of delineated wetlands, during the appropriate permit terms, permanent mitigation plans will be developed and submitted to MDEQ and OSM for review and approval. The approved mitigation plan will then be submitted to the U.S. Army Corps of Engineers.

A similar wetland delineation was submitted with the Pearson Creek Amendment package. This report is located in Appendix L2. The mitigation plan will be developed for this delineation in a similar manner to the Carbone wetlands.

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(2)(g) Avoidance of Stream Channels

SCM will afford protection to aquatic communities by avoiding stream channels, or by restoring stream channels as required by Section 17.24.634.