



# TREASURE STATE RESOURCES ASSOCIATION OF MONTANA

P.O Box 1700, Helena, Montana 59624

Phone: (406) 443-5541

## TREASURE STATE RESOURCES ASSOCIATION NEWS

June, 2022

### **Comments on East Boulder Mine Expansion Invited**

The Montana Department of Environmental Quality (DEQ) and the Custer Gallatin National Forest (CGNF) are preparing a joint Environmental Impact Statement (EIS) to analyze the potential impacts of a proposed major amendment (Amendment 004) to the approved Operating Permit and Plan of Operations for the East Boulder Mine, an existing platinum and palladium mine operated by Stillwater Mining Company (SMC) in Sweet Grass County, Montana. If approved, Amendment 004 (Project) would authorize construction and operation of the Lewis Gulch Tailings Storage Facility and the Dry Fork Waste Rock Storage Area. Construction of these facilities would provide SMC with the tailings and waste rock storage capacity needed to continue to mine the JM Reef.

DEQ and the CGNF are hosting two public meetings on Thursday, June 23, 2022, to provide information about the proposed Project; one meeting will begin at 4:30 pm and the other will begin at 6:00 pm. During the first 30 minutes of each meeting, the agencies will give a presentation on the EIS, the permitting process, and description of the proposed Project; a question-and-answer session and the opportunity to provide oral public comments will follow each presentation. The meetings will be held in the Community Meeting Room at the Big Timber

Carnegie Library (314 McLeod Street, Big Timber, MT) and will be live-streamed via Zoom to provide online or telephone access for remote participants. Please register for one of the meetings by Monday, June 20th: <https://www.eventbrite.com/e/public-scoping-meeting-east-boulder-mine-amendment-004-registration-342367348957>. Zoom links will be sent to registered participants prior to the meeting.

You are invited to provide comments on the proposed Project. Please visit the Project webpage for more information and to submit comments electronically: <https://www.fs.usda.gov/project/?project=61385> (click on “Comment/Object on Project”). Written comments can be mailed to ATTN: East Boulder Mine Amendment 004 EIS, C/O: Robert Grosvenor, Gardiner Ranger District, PO Box 5, Gardiner, MT, 59030. All comments must be received or postmarked by **June 27, 2022**. For additional information, please contact one of the project coordinators: Craig Jones (DEQ) at [crajones@mt.gov](mailto:crajones@mt.gov) or 406-444-0514 or Robert Grosvenor (CGNF) at [robert.grosvenor@usda.gov](mailto:robert.grosvenor@usda.gov) or 406-848-7375 x28.

*Editor's Note: TSRA's Board of Directors voted to support the proposed project and encourage individual members to consider doing the same.*

## **DEQ “Eases” Timeline on Nutrient Rulemaking**

Montana DEQ and the Nutrient Working Group charged with drafting rules to implement SB 358 passed in 2021 have agreed to spend more time working through the process of crafting the requirements to implement narrative nutrient standards for purposes of protecting water quality. Rather than rush to meet an October deadline to comply with new legislative requirements that limit rule adoption prior to a legislative session, the group will continue to work on the rule language and accompanying Circular over the next several months.

While complicated in and of itself, this effort was made more challenging following receipt of a letter from EPA disapproving some provisions of SB 358 that required using narrative, rather than numeric water quality standards for nutrients. The state can move to narrative standards, but the EPA action holds that effort in abeyance until the new regulatory process is fully fleshed out.

Nutrient Work Group meetings will be held every two weeks starting in August. A monthly meeting will be held in June and July. The July meeting time has been adjusted to help with scheduling conflicts. Please see the schedule below. Agendas with Zoom links will be provided in advance of each meeting. Meetings will be added to the calendar, according to the schedule below, as discussions with the Nutrient Work Group progress. If you have any questions, concerns or comments, please reach out to Christina Staten using the contact information below.

- Wednesday, June 22: 9 – 11 a.m.
- Wednesday, July 20: 8:30 – 10 a.m.
- 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month beginning August 2022 from 9 to 11 a.m.
  - First regular meeting Wednesday, August 10: 9-11 a.m.

The DEQ [website](#) will be updated with the above dates. Please contact Christina Staten with any questions: [CStaten@mt.gov](mailto:CStaten@mt.gov), (406) 444-2836.

## **Waters of the U.S. (WOTUS) Roundtables Move West**

On July 30, 2021, the US EPA and Department of the Army (the agencies) announced stakeholder engagement opportunities, including the agencies' intent to host ten regionally focused roundtables. Each roundtable would allow stakeholders to engage and discuss their experiences with implementing the definition of "waters of the United States," including challenges and opportunities within their geographic areas. The roundtables also provide an opportunity for the participants to discuss geographic similarities and differences, particular water resources that are characteristic of or unique to each region, and regionally specific feedback about implementation.

On February 24, 2022, the agencies announced the selection of ten roundtables that highlight geographic differences and a range of perspectives—including agriculture, conservation groups, developers, drinking water and wastewater managers, environmental organizations, communities with environmental justice concerns, industry, Tribal nations, and state and local governments. For more information on the organizations and entities that are participating in the roundtables, see [Waters of the United States Roundtables \(pdf\)](#) . These roundtables are being livestreamed, and a recording of the roundtable will be made available shortly thereafter.

Two upcoming roundtables bring a focus to concerns in the West and feature representatives from Montana. They will can be livestreamed on the following days:

- **California Farm Bureau (West) - June 16, 2022, from 2:00pm-4:30pm EDT - [View Livestream Here](#)**
- **Wyoming County Commissioners Association / Montana Association of Counties / Idaho Association of Counties (West) - June 24, 2022, from 2:00pm-4:30pm EDT- [View Livestream Here](#)**

## **Service Completes Initial Review of Endangered Species Act Petitions for Yellowstone Bison**

### **The Service will conduct a status review of the potential Distinct Population Segment**

Source: U.S. Fish and Wildlife Service, June 3, 2022

The U.S. Fish and Wildlife Service (Service) has completed a 90-day finding of three petitions to designate and list a Yellowstone bison Distinct Population Segment (DPS) of the Plains bison (*Bison bison bison*) in the Greater Yellowstone Ecosystem in portions of Wyoming and Montana as threatened or endangered under the Endangered Species Act (ESA). The Service finds that the petitions present substantial, credible information indicating that a listing action may be warranted and will initiate a comprehensive status review of the potential DPS to determine if ESA protections are warranted.

The Plains bison is a subspecies of the American bison (*Bison bison*) historically found from central Canada to northern Mexico, nearly from coast-to-coast. Primarily abundant on the Great Plains, this species was eliminated from many areas of the country by the early 1800s. Following conservation efforts by landowners, Tribes, state, federal, and other partners, today, there are more than 400,000 Plains bison.

Under the ESA, a DPS is a population of a vertebrate species or subspecies. All three petitions requested that a Yellowstone bison DPS of the Plains bison be designated in the Greater Yellowstone Ecosystem. Based on the information provided by petitioners, the Service finds that this may be a listable entity and will further evaluate the validity of the DPS as part of the status assessment.

The Service finds the petitioners present substantial information that listing the Yellowstone bison DPS as threatened or endangered under the ESA may be warranted. The petitioners presented credible information to indicate potential threats to the DPS from reductions of its range due to loss of migration routes, lack of tolerance for bison outside Yellowstone National Park, and habitat loss. Petitioners also provided information suggesting that regulatory mechanisms (in the form of management actions intended to address disease, provided for in the Interagency Bison Management Plan), overutilization, disease, and loss of genetic diversity may pose further threats. The Service will fully evaluate potential threats as part of the status assessment.

Substantial 90-day findings require only that the petitioner provide information that the proposed action may be warranted. The next step is to conduct an in-depth status review and analysis using the best available science and information to arrive at a 12-month finding on

whether listing is warranted. If listing the potential DPS is found to be warranted, the Service would then conduct a separate rulemaking process with public notice and comment.

The public can play an essential role in the status review by submitting relevant information to inform the status review through [www.regulations.gov](http://www.regulations.gov), Docket Number: FWS-R6-ES-2022-0028. This information period will open upon publication in the [Federal Register](#) on June 6, 2022.

The [90-day finding](#) and [petition review form](#) associated with this announcement are now available for review. [Additional questions and answers](#) regarding this announcement are also available.

Visit the Service online to learn more about [American bison](#) and the ESA [petition process](#).

## **EPA Releases Annual Air Report, Highlighting Trends through 2021**

EPA Press Release, June 1, 2022

The U.S. Environmental Protection Agency (EPA) has released the annual interactive report tracking America's progress in controlling air pollution. "Our Nation's Air: Trends Through 2021" offers readers an opportunity to learn about the health and environmental impacts of air pollution; track trends in air quality and emissions data, explore efforts to improve visibility in treasured national parks; and explore community-level health impacts of air toxics emissions reported for 2017.

"Our work to ensure clean, breathable air for all is one of the highest priorities at EPA, which is why I'm encouraged to see dramatic long-term reductions in air emissions. The report also shows that environmental protection and a growing economy go hand in hand," **said EPA Administrator Michael S. Regan**. "Today's report demonstrates the Agency's on-going work, along with state, local, Tribal, and private sector partners, to achieve crucial improvements in air quality across the country."

EPA examines long-term trends to track the nation's progress toward clean air. The report released today shows that, between 1970 and 2021, the combined emissions of six key pollutants dropped by 78 percent, while the U.S. economy remained strong – growing 292 percent over the same time.

In addition, national average concentrations of harmful air pollutants decreased considerably across our nation between 1990 and 2021:

- Carbon Monoxide (CO) 8-Hour, 79%

- Lead (Pb) 3-Month Average,85% (from 2010)
- Nitrogen Dioxide (NO2) Annual,61%
- Nitrogen Dioxide (NO2) 1-Hour,54%
- Ozone (O3) 8-Hour,21%
- Particulate Matter 10 microns (PM10) 24-Hour,32%
- Particulate Matter 2.5 microns (PM2.5) Annual,37% (from 2000)
- Particulate Matter 2.5 microns (PM2.5) 24-Hour,33% (from 2000)
- Sulfur Dioxide (SO2) 1-Hour,91%

It is important to note that air quality concentrations can vary year to year, even as human-caused emissions continue to decline. In 2021, national average concentrations of 8-hour ozone averages, annual fine particle levels, and 1-hour sulfur dioxide averages increased slightly over 2020 levels. Variations in weather, and events such as dust storms and wildfires can have an impact on air quality in affected areas. Many environmental impacts associated with climate change can impact air quality particularly affecting the severity and timing of the wildfire season, including changes in temperature, precipitation, and drought.

The 2021 interactive report includes a new tool to explore the latest (2017) air toxics emissions data and risks. This summary tool provides access to community-level information regarding potential cancer risk and noncancer hazards from air toxics emissions. Coupled with EPA's newly released Air Toxics Screening Assessment [AirToxScreen](#), this tool gives communities — especially those with environmental justice concerns — more complete information about their air quality.

The report includes interactive graphics that enable citizens, policymakers and stakeholders to view and download detailed information by pollutant, geographic location and year. Explore the report and download graphics and data here: (<https://gispub.epa.gov/air/trendsreport/2022/>)

## **TSRA Annual Meeting – June 8-9, 2022**

TSRA members will be meeting next week at Fairmont Hot Springs. We look forward to hearing from the wide range of speakers, as well as networking with folks from across the state. In the meantime, we would like to thank all who helped make this meeting possible.

The annual business meeting takes place at 8:30 am. on Thursday, June 9<sup>th</sup> at Fairmont Hot Springs.

## **TSRA Thanks Our Annual Meeting Sponsors**

We couldn't hold our annual meeting without the help of our generous sponsors. A BIG "Thank You" to those who help us put on a successful event.

### **Trailblazer:**

BNSF, BP America, MDU Resources and NorthWestern Energy

### **Champion:**

Browning, Kaleczyc, Berry & Hoven, Crowley Fleck, Enbridge Energy, Montana Chamber of Commerce, Parsons, Behle & Latimer, Sandfire America, Weyerhaeuser, and The Washington Companies

### **Advocate:**

Bison Engineering, CHS, Denbury Resources, Energy Laboratories, F.H. Stoltze Land & Lumber Co., Melissa Lewis & Associates, Montana Coal Council and Montana Farm Bureau Federation

### **Groundbreaker Golf:**

Citizens for Balanced Use, IBEW #44, and Sibanye Stillwater

### **Supporter:**

Golden Sunlight Mine

## **Upcoming Interim Legislative Committee Meeting Schedule**

The schedule of upcoming meetings for interim committees followed by TSRA is listed below. Agendas and other information will be available closer to the meeting date on the committee's website:

### **Energy and Telecommunications Interim Committee**

July 19-20, 2022                      State Capitol or via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/etic/meeting-info/>

### **Environmental Quality Council**

July 14-15, 2022                      State Capitol or via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/eqc/meeting-info/>

## Revenue Committee

June 16-17, 2022                      State Capitol or Via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/ric/>

## Water Policy Committee

July 11-12, 2022                      State Capitol or Via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/wpic/>

## TSRA Legislative Showcase Planned for January 3, 2023

TSRA's popular Legislative Showcase is scheduled for the evening of January 3<sup>rd</sup>, 2023. Participants have the opportunity to "showcase" their companies or associations by reserving booth or table space. Others may choose to sponsor the event by helping with food and beverage costs.

Registration information will be available early this fall. If you have any questions about the event, please contact Peggy Trenk at 406-461-9945 or [ptrenk@tsria.net](mailto:ptrenk@tsria.net)

### Upcoming Events/Dates:

June 8-9, 2022

TSRA Annual Meeting

Fairmont Hot Springs Resort

June 28-29, 2022

Montana Mining Association Annual Meeting

Fairmont Hot Springs Resort

July 18-19, 2022

Montana Coal Council Annual Convention

Northern Hotel, Billings, MT

August 29-31, 2022

Montana Petroleum Association Annual Meeting

Billings, MT



November 16-18, 2022  
Legislative Caucus Training  
State Capitol, Helena, MT

January 3, 2023  
TSRA Legislative Showcase  
Delta Colonial Hotel, Helena, MT

*If you don't want to receive the TSRA Newsletter, please let me know. If you want to share with others in your company or organization, please do so. The mission of the Treasure State Resources Association is to promote and enhance the Montana Way of Life through responsible resource development.*