

From: Smith, Claudia
To: "rames@barr.com"
Cc: "lsteigink@barr.com"; edmundbaker (edmundbaker@mhanation.com); Rothery, Deirdre
Subject: Parshall Transload Facility Request for Coverage Under General Permit
Date: Wednesday, January 06, 2016 8:45:00 AM
Attachments: [US Silica Parshall Transload Completeness Review - Additional Info Request.docx](#)

Rachel,

We conducted an initial review of US Silica's Request for Coverage under the Stone Quarrying, Crushing and Screening General Permit for the construction of a new rail transload facility to transport silica sand from rail cars to trucks near Parshall, North Dakota, on Indian country lands within the Fort Berthold Indian Reservation.

US Silica's Request for Coverage was submitted pursuant to the Tribal New Source Review regulations at 40 CFR 49.156. We received your request on December 21, 2015 and reviewed the submitted information. We have determined that your Request for Coverage is incomplete at this time because some aspects of the application are deficient. The deficient aspects are described in detail in the attachment to this email.

As part of the 45-day completeness review outlined in 40 CFR 49.156(e)(4), we have 30 days to review your Request for Coverage for completeness and request additional information in writing. US Silica has 15 days to respond to our request for information. Your application is considered incomplete until the information is received and evaluated and we have determined that your request contains all the information needed to qualify under this general permit. If your response to our request is delayed beyond 15 days then the 90-day permit issuance period for us to act is extended by the additional days it takes to address the deficiencies in the Request for Coverage.

We look forward to continuing to work with you on this application. If you have any questions, please contact me at (303) 312-6520 or smith.claudia@epa.gov.

Sincerely,

Claudia Young Smith
Environmental Scientist
US EPA Region 8 Air Program
Phone: (303) 312-6520
Fax: (303) 312-6064

<http://www2.epa.gov/caa-permitting/caa-permitting-epas-mountains-and-plains-region>

Mail Code 8P-AR
US EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202

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EPA Completeness Review
US Silica - Parshall Transload Facility General Permit Request for Coverage
January 6, 2016

1. Under Section 7(a)(2) of the Endangered Species Act (ESA), the EPA must ensure that any action authorized, funded, or carried out by the EPA is not likely to jeopardize the continued existence of a federally listed endangered species or threatened species or result in the destruction or adverse modification of such species' designated critical habitat. If the EPA's action (i.e., permit issuance) may affect a federally listed species or designated critical habitat, Section 7(a)(2) of the ESA and relevant implementing regulations at 50 CFR Part 402 require consultation between the EPA (or another designated Federal lead agency) and the United States Fish and Wildlife Service (FWS). The permit application for the Parshall Transload Facility is subject to ESA requirements.

US Silica selected criterion A in its Request for Coverage to satisfy the ESA requirements. Information pertaining to the ESA is found in the US Silica's Request for Coverage. The supporting documentation includes a list of federally-listed species potentially occurring in the vicinity of the proposed project that was obtained through the FWS Information, Planning, and Conservation System (IPaC) online program on November 20, 2015. The ESA documentation indicates that both a desktop review and a field assessment of suitable habitat were conducted. Documentation of the field assessment such as the extent of the assessment, when it occurred and by whom was not provided. Greater detail on the results of the assessment needs to be provided to support the findings of no effect on federally listed species due to the lack of suitable habitat and high levels of existing human disturbance. We note that there is critical habitat for the piping plover just over 2 miles from the proposed project area.

2. The National Historic Preservation Act documentation is provided by the document, "A Class I and Class III Cultural Resource Inventory of the U.S. Silica Parshall Transload Facility, Mountrail and Ward Counties, North Dakota", SWCA Cultural Resource Report Number 15-517 prepared by SWCA Environmental Consultants and dated October 2, 2015. The Abstract indicates that the only federal agency potentially involved with the proposed project would be the U.S. Army Corps of Engineers through the Clean Water Act. The class III inventory focused on wetlands and potential waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers. Only two areas were inventoried for a total of 61.75 acres. However, U.S. Silica estimated that the proposed project area is approximately 330 acres.

While the cultural resource report was submitted to the State Historical Society of North Dakota, it does not appear that SWCA discussed the project with the Tribal Historic Preservation Officer (THPO) for the Three Affiliated Tribes. The EPA is concerned that the entire 330 acre project area was not inventoried and that the THPO was not consulted or provided a copy of the Cultural Resources Inventory. The entire project area should be inventoried and the THPO contacted. See Steps 2 and 3 of Appendix B – Historic Properties Screening Process on the Request for Coverage form. The contact information for the THPO for the Three Affiliated Tribes is:

Elgin Crows Breast, THPO
Mandan, Hidatsa & Arikara Nation
404 Frontage Road
New Town, ND 58763
Tel: 701.862.2474, Fax: 701.862.2490, Email: redhawk@mhanation.com