

TABLE OF LOCATION-SPECIFIC ARARS FOR EVALUATION OF REPOSITORY LOCATIONS
Upper Blackfoot Mining Complex

Requirement, Criteria, or Limitation	Citation	Description
Federal Requirements		
Resource Conservation and Recovery Act	40 CFR Part 257	Provides restrictions on the location of a waste management unit in floodplains and wetlands.
National Historic Preservation Act	16 USC § 470 36 CFR Part 800	Requires Federal Agencies to take into account the effect of any Federally assisted undertaking or licensing on any property with historic, architectural, archeological, or cultural value that is included in or eligible for inclusion in the National Register of Historic Places.
Archeological and Historic Preservation Act	16 USC § 469	Establishes procedures to provide for preservation of significant scientific, prehistoric, historic, and archeological data that might be destroyed through alteration of terrain as a result of a Federal construction project or a Federally licensed activity or program.
Historic Sites Act	16 USC §§ 461 et seq.	Requires Federal agencies to consider the existence and location of potential and existing National Natural Landmarks to avoid undesirable impacts on such landmarks.
Protection of Wetlands	Executive Order No. 11990	Requires Federal agencies to avoid adverse impacts associated with the destruction or loss of wetlands and avoid support of new construction in wetlands if a practicable alternative exists.
Clean Water Act, Section 404	33 USC § 1251 et seq. 33 CFR Part 330	Regulates discharge of dredged or fill material into waters of the United States.
Fish and Wildlife Coordination Act	16 USC § 662	Requires consultation when Federal department or agency proposes or authorizes any modification of any stream or other water body to assure adequate protection of fish and wildlife resources.

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Protection of Floodplains	Executive Order No. 11988	Requires Federal agencies to evaluate the potential effects of actions they may take in a floodplain to avoid the adverse impacts associated with direct and indirect development of a floodplain to the extent possible.
Endangered Species Act	16 USC §1531 et seq. 50 CFR Parts 17 and 402	Activities may not jeopardize the continued existence of any threatened or endangered species or destroy or adversely modify a critical habitat.
Bald Eagle Protection Act	16 USC §§ 668 et seq.	Requires continued consultation with the USFWS during response design and response construction to ensure that any cleanup of the site does not unnecessarily adversely affect the bald or golden eagle.
Migratory Bird Treaty Act	16 USC §§ 703 et seq.	Establishes federal responsibility for the protection of the international migratory bird resource and requires continued consultation with the USFWS during response design and response construction to ensure that the cleanup of the site does not unnecessarily impact migratory birds.
State of Montana Requirements		
Montana Antiquities Act	§§ 22-3-421, MCA, et seq.	Addresses state agency's responsibility to avoid or mitigate impacts to heritage property or paleontological remains.
Montana Human Skeletal Remains and Burial Site Protection Act	§§ 22-3-801, MCA, et seq.	The act prohibits purposefully or knowingly disturbing or destroying human skeletal remains or burial sites.
Montana Solid Waste Management Act	§§ 75-10-201, MCA, et seq.	
	ARM 17.50.1004	A solid waste facility located within the 100-year floodplain may not restrict the flow of the 100-year floodplain, reduce temporary water storage capacity, or result in washout that poses a hazard to human health or the environment.
	ARM 17.50.1005	A solid waste facility generally cannot be located in a wetland.
	ARM 17.50.1006	A solid waste facility generally cannot be located within 200 feet of a fault that had displacement in Holocene time.

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	ARM 17.50.1007	A solid waste facility may not be located in a seismic impact zone without special requirements.
	ARM 17.50.1008	A solid waste facility may not be located in an unstable area (based on soil and geologic conditions) without special requirements.
	ARM 17.50.1009	Provides general requirements applying to the location of a solid waste facility, including availability of a sufficient amount of land for design, operation, and capacity of the disposal facility and adequate separation of wastes from groundwater and surface water.
Floodplain and Floodway Management Act	§§ 76-5-401, MCA, et seq.	
	ARM 36.15.602	Describes conditions for uses within designated floodway and specifically prohibits storage of flammable, toxic, or explosive materials.
	ARM 36.15.603	Describes conditions for proposed diversions or changes in place of diversion that may affect flood flows.
	ARM 35.15.604	Prohibits new artificial obstructions or nonconforming uses that will increase the upstream elevation of the base flood 0.5 of a foot or significantly increase flood velocities.
	ARM 36.15.605 § 76-5-403, MCA	Identifies artificial obstructions and nonconforming uses that are prohibited within the designated floodway and includes “a structure or excavation that will cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, or reduce the carrying capacity of the floodway...” Solid waste disposal and storage of toxic, flammable, or explosive materials are also prohibited.
	ARM 36.15.606	Identifies flood control works including dams, levies, flood walls, rip-rap, and channelization projects that are allowed within designated floodways with certain conditions.
	ARM 36.15.701	Describes allowed uses in the flood fringe.

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	ARM 36.15.703	Lists prohibited uses within the flood fringe and includes solid and hazardous waste disposal and storage of toxic, flammable, or explosive materials.
	ARM 36.15.801	Allowed uses where the floodway is not designated or where no flood elevations are available.
Endangered Species	§§ 87-5-106, 107, and 111, MCA ARM 12.5.201	Endangered species should be protected in order to maintain and, to the extent possible, enhance their numbers. Certain activities are prohibited.
Montana Natural Streambed and Land Preservation Act	§§ 75-7-101, MCA, et seq. ARM 36.2.401, et seq.	Fish and wildlife resources are to be protected and no construction project or hydraulic project shall adversely affect game or fish habitat.
	ARM 36.2.410	Establishes minimum standards if a response action alters or affects a streambed and prohibits placement of road fill or operation of construction equipment in a stream or excavation of streambed gravels, unless specifically authorized.
	§ 87-5-502, MCA	A state agency may not construct, modify, operate, maintain, or fail to maintain any construction which may or will obstruct, damage, diminish, destroy, change, modify, or vary the natural existing shape and form of any stream or its banks or tributaries in a manner that will adversely affect any fish or game habitat, and should consult with the Montana Department of Fish, Wildlife and Parks not less than 60 days prior to commencement of final plans for any such construction.