

**DEQ OPENCUT MINING PROGRAM**  
September 18, 2009

**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

**Proponent:** MK Weeden Construction

**Site:** Hal Machler

**Legal:** Section 22, T15N, R17E

**County:** Fergus

**Approved Permit and Amendment #'s:** MKW-030

**Type and Purpose of Action:** Operator has applied for an amendment to add 4 acres to their 8.1-acre permit for a total of 12.1 permitted acres.

**Site Description:** The amendment area is in the same relatively flat grassland as the original permit area. There are no on-site or surrounding characteristics of special concern. There are no nearby residences or public use areas.

**Potential Impacts and Mitigation:** Use of the amendment area would not cause substantial impacts on the physical, environment, or human population. Proponent would be legally bound by their permit to reclaim the site to rangeland. The 2009 Environmental Assessment is applicable to this action.

Prepared by Mark Carlstrom, DEQ Reclamation Specialist, 9/17/09

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Bureau Chief, IEMB

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Date

PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

**PROPERTY DESCRIPTION:** Section 22, T15N, R17E, Fergus County

**COMPANY NAME:** MK Weeden, Hal Machler 97+00

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PPAA?

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically viable uses of the property?
	X	4. Does the action deny a fundamental attribute of ownership?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 5a and 5b and continue with question 6.)
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property?
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? (If the answer is NO, skip questions 7a-7c)
		7a. Is the impact of government action direct, peculiar, and significant?
		7b. Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
		7c. Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.