

DEQ OPENCUT MINING PROGRAM
SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Jim Gilman Excavating, Inc.

COUNTY: Beaverhead

SITE NAME: Rafter Ranch

DATE: April 2010

LOCATION: Section 9, T1 S, R11 W

APPROVED PERMIT #: 1977

Type and Purpose of Action: Operator has applied for an amendment to add 6.9 acres to their 14.6-acre permit for the purpose of expanding the mine area. The total permitted area would be 21.5 acres. The operator is also proposing to decrease the highwall height from 25 feet to 15 feet, and to change the final reclamation date to November 2012.

Site Description: The 6.9-acre proposed amendment area is an addition directly adjacent and to the south of the existing permitted area. The operation will continue to mine to the south. The area sits up on a bench approximately 300 feet to the west of Wise River. The existing mine area has been partially reclaimed. It has been graded, soil has been replaced, and it has been seeded. However, the existing mine area would likely be redisturbed upon approval of the amendment area. There are no site characteristics of special concern, or nearby residences or public use areas.

Species of Concern: The Montana Natural Heritage Program (MNHP) lists 4 species of concern in the vicinity of the site. These include the West Slope Cutthroat Trout (*Oncorhynchus clarkia lewisi*), Gray Wolf (*Canis lupus*), Wolverine (*Gulo gulo*), and the Canada Lynx (*Lynx Canadensis*). None of the listed species have been found on this site. Even if suitable habitat did exist on this site, the disturbance area would be small and large areas of similar or identical habitat surrounds the site. The possible impact to these species would be minimal.

Historical and Archaeological Sites: The Montana State Historic Preservation office (SHPO) was notified of the application. It reported 1 site has been discovered previously on this property. However, they stated that there is a low likelihood that cultural properties will be impacted. A pedestrian survey of the area by DEQ personnel did not reveal any artifacts or signs of occupation. If during operations resources were to be discovered, activities would be temporarily moved to another area or halted until SHPO was contacted and the importance of the resources was determined.

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 grassland. The 2003 Environmental Assessment is applicable to this action.

EA Prepared By: Kenley Stone Environmental Science Specialist
Name Title

EA Reviewed By: Chris Cronin Opencut Mining Program Supervisor
Name Title

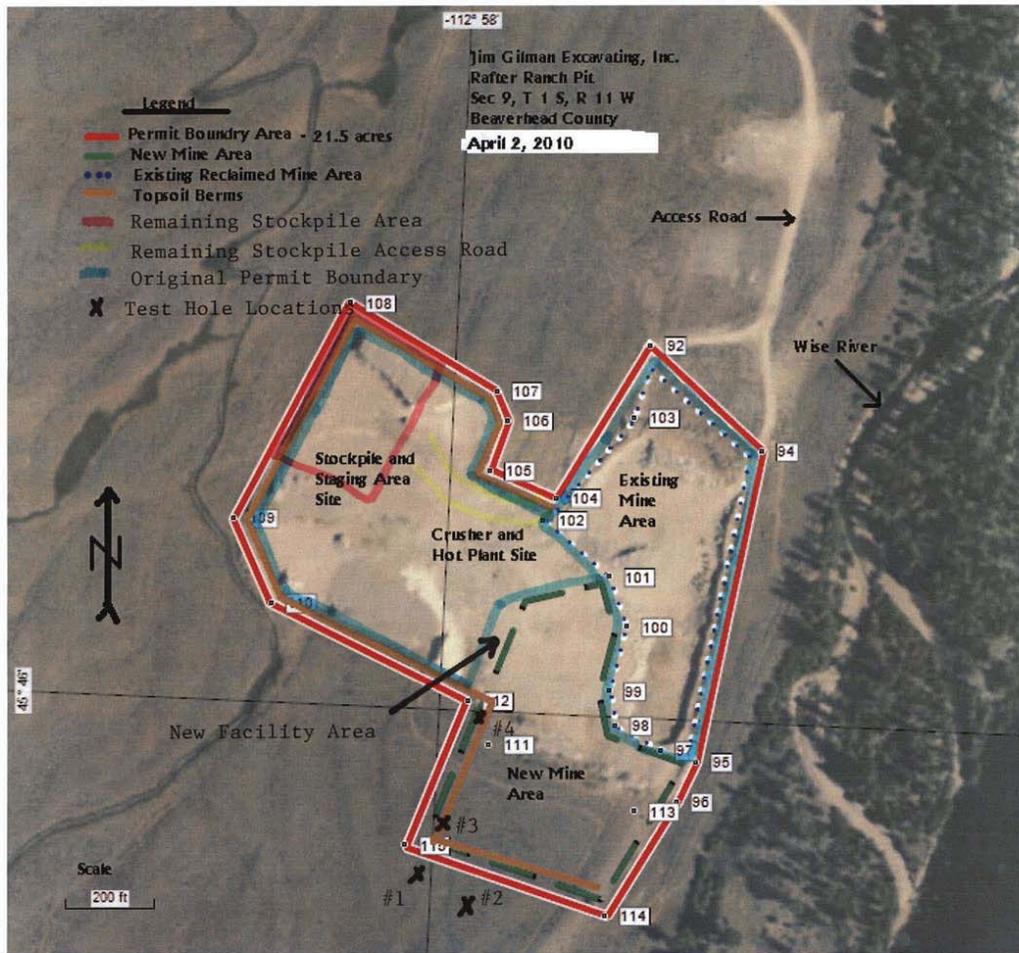
PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.



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