

## DEQ OPENCUT MINING PROGRAM

### SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

**APPLICANT:** Helena Sand & Gravel, Inc. dba Blahnik Construction Company

**SITE NAME:** JCSL

**LOCATION:** Section 12, T6 N, R21 W

**COUNTY:** Ravalli

**APPROVED PERMIT #:** 1335

**DATE:** May 2010

**Type and Purpose of Action:** Operator has applied for an amendment to allow waste concrete and asphalt to be accepted for recycling. The recycled products would include crushed concrete base aggregate, crushed asphalt base course, and/or a combined product, and reclaimed asphalt pavement. In addition, the amendment would change the estimated date of final reclamation to October 2020.

**Site Description:** There is no new acreage being added to this permit area. The operation will continue to mine as stated in the previous permit and amendments. 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 7 species of concern in the vicinity of the site. These include:

**Bald eagle** (*Haliaeetus leucocephalus*) is a bird of prey found in North America that is most recognizable as the national bird and symbol of the United States of America. This sea eagle has two known sub-species and forms a species pair with the white-tailed eagle. Its range includes most of Canada and Alaska, all of the contiguous United States and northern Mexico. It is found near large bodies of open water with an abundant food supply and old-growth trees for nesting.

**Westslope Cutthroat Trout** (*Oncorhynchus clarkii lewisi*) is one of two subspecies of native cutthroat found in the state. It has been designated as Montana's state fish. Westslope cutthroat trout require cold water and seek out gravel substrates in riffles and pool crests for spawning habitat.

**Bull trout** (*Salvelinus confluentus*) is threatened species of fish that can be found in the Clark Fork and Flathead drainages of western Montana. Sub-adult and adult fluvial bull trout reside in larger streams and rivers and spawn in smaller tributary streams, whereas adfluvial bull trout reside in lakes and spawn in tributaries. Bull trout can grow to lengths of 37 inches and weights of 20+ pounds.

**Fringed Myotis** (*Myotis thysanodes*) is a bat that is distinguished by well-developed fringe of hairs on the posterior margin of the uropatagium. The bats habitat consists of desert shrublands, sagebrush-grassland, and woodland habitats. The bats primary food source is moths, but it also eats other smaller insects.



**PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST**

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

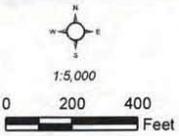
| YES | NO |   |
|-----|----|---|
| X   |    | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?   |
|     | X  | 2. Does the action result in either a permanent or indefinite physical occupation of private property?  |
|     | 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.



G:\misc\HelenaSand\_JCSL\ArcMap\Figure2.mxd



- Facility
- Property Area

January 2008

**Facility Map**  
**JCSL South Pit**  
 Ravalli County, Montana

Figure 2

**RECEIVED**

APR 02 2010

DEQ/EMR

BLAHNIK CONSTRUCTION  
JCSL SITE  
W2 NE4 SECTION 12  
T6N, R21W  
RAVALLI COUNTY  
OCTOBER 28, 2005  
WEST AREA = 8.2 ACRES  
EAST AREA = 23.5 ACRES  
TOTAL AREA = 31.7 ACRES



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