DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Bullock Contracting, LLC **COUNTY:** Powell

SITE NAME: Gravely **DATE:** June 2010

LOCATION: Section 4, T13 N, R11 W

APPROVED PERMIT #: 1969

Type and Purpose of Action: Operator has applied for an amendment to add 3.7 acres to their existing 2.3-acre permit for the purpose of expanding the mine area to cover the current disturbance area. The total permitted area would be 6 acres.

Site Description: The 3.7-acre proposed amendment area is an addition to the existing permitted area. The Operator has mined outside of their permit boundary and left the site un-reclaimed. Pursuant to negotiations with enforcement and the Department, the site is being amended to include the disturbed land within the existing disturbance. The site will not be reclaimed further as the landowner wants the existing soil stockpiles to act as windbreaks for his cattle. In addition, per the landowners request, the remaining disturbed area will act as an equipment storage yard for the landowner. There are no site characteristics of special concern, or nearby residences or public use areas.

Potential Impacts and Mitigation: Use of the amendment area would not cause substantial impacts on the physical environment and human population. Proponent would be legally bound by their permit to reclaim the site to grassland. The July 2003 Environmental Assessment is applicable to this action.

EA Prepared By: J.J. Conner — Opencut Mining Program Environmental Specialist
Name — Title

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

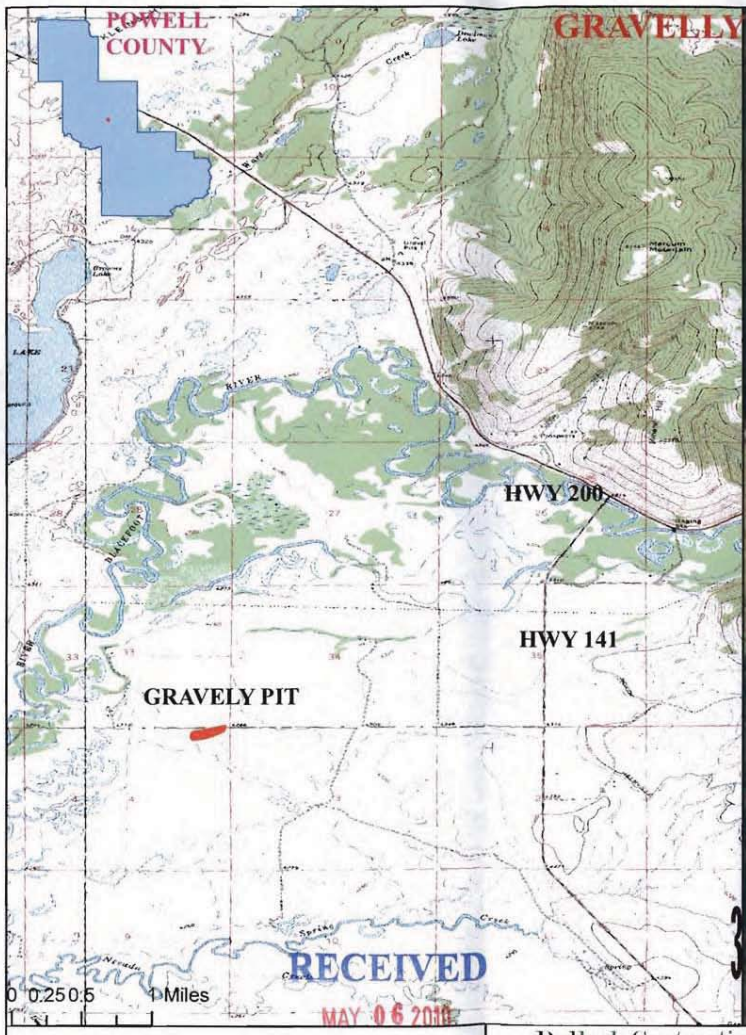
PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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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Legend

8/5/2009-APPROXIMATE DISTURBANCE

Bullock Contracting Inc - Gravely Pit
S4, T13N, R11W
J.J. Conner 08/10/2009
Aerial Photo NRIS 2005

Montana Department of Environmental Quality
Industrial and Energy Minerals Bureau
Opencut Mining Program