DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Wayne Edens **COUNTY:** Ravalli

SITE NAME: Edens Pond **DATE:** July 2010

LOCATION: Section 5, T6 N, R20 W

APPROVED PERMIT #: 1170

Type and Purpose of Action: Operator has applied for an amendment to add 12.4 acres to their 13.4-acre permit for the purpose of expanding the mine area in conjunction with a full bond release request for 11.4 acres. This amendment, in combination with the full bond release request of 11.4 acres, would net a total permitted area of 14.4 acres.

Site Description: The 12.4-acre proposed amendment area is an addition directly adjacent and to the north of the existing permitted area. Approximately 150,000 cubic yards of material will be mined in the amendment area, resulting in a new permit total of 420,000 cubic yards of gravel to be mined at this site. The operation would continue to mine to the north. Of the originally permitted 13.4 acres, there are 2 acres that remain unreclaimed. These 2 acres would be added to the proposed 12.4 acre amendment area for a total of 14.4 permitted acres. 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 wildlife ponds and grassland by June 2020. The 1997 Environmental Assessment is applicable to this action.

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Name — Title

Reviewed By: JJ Conner — Opencut Mining Program Unit Coordinator
Name — Title

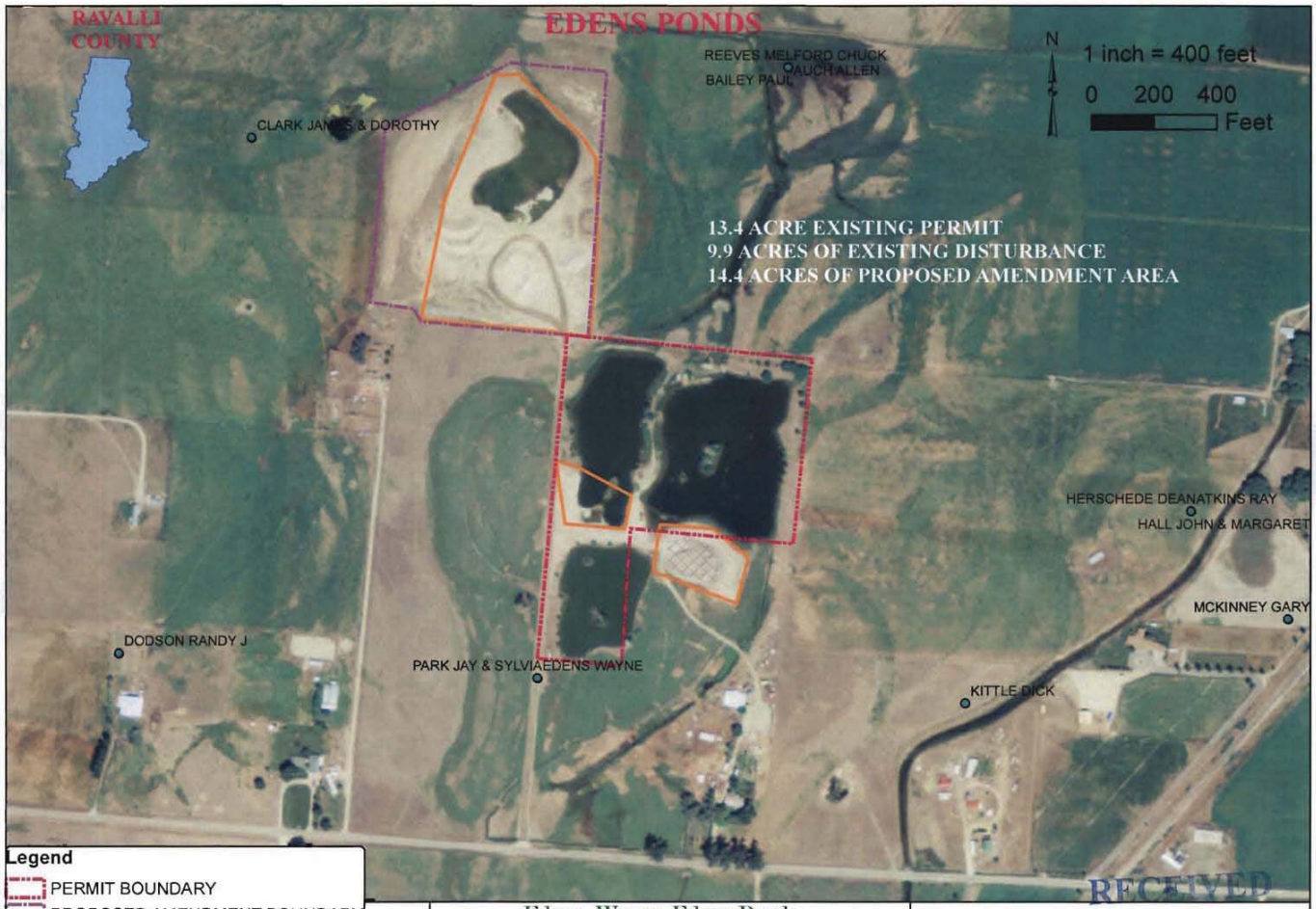
PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.



Edens, Wayne-Edens Ponds
S5, T6N, R20W

Aerial Photo NRIS 2009

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