

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Pioneer Concrete & Fuel Inc.

COUNTY: Deer Lodge

SITE NAME: Spangler Pit #2

DATE: December 2010

LOCATION: Section 25, T4N, R10W

APPROVED PERMIT #: 653

Type and Purpose of Action: The operator has applied for an amendment to add 74.3 acres to their existing 18-acre permit for the purpose of expanding the mine area and updating their permit. The total permitted area would be 92.3 acres.

Site Description: The 74.3-acre proposed amendment area is an addition to the north, east and south that will encompass all existing disturbances and proposed future disturbances. The operation will continue to expand to the north, east and south. In addition, the operator is adding undisturbed until bonded area to the east and south. The pit is located within a superfund site. The operator has obtained a county permit for this area and will strip and stockpile the top 12” of soil as advised by the EPA. The operator understands that if the EPA determines that stripping the top 12” of soil is inadequate for remediation, they may have to revise their bond appropriately.

Potential Impacts and Mitigation: Use of the amendment area would not cause substantial impacts to the physical environment and human population. Proponent would be legally bound by their permit to reclaim the site to grassland. The August 1991 Environmental Assessment is applicable to this action.

EA Prepared By: J.J. Conner Opencut Mining Program Unit Coordinator
Name Title

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

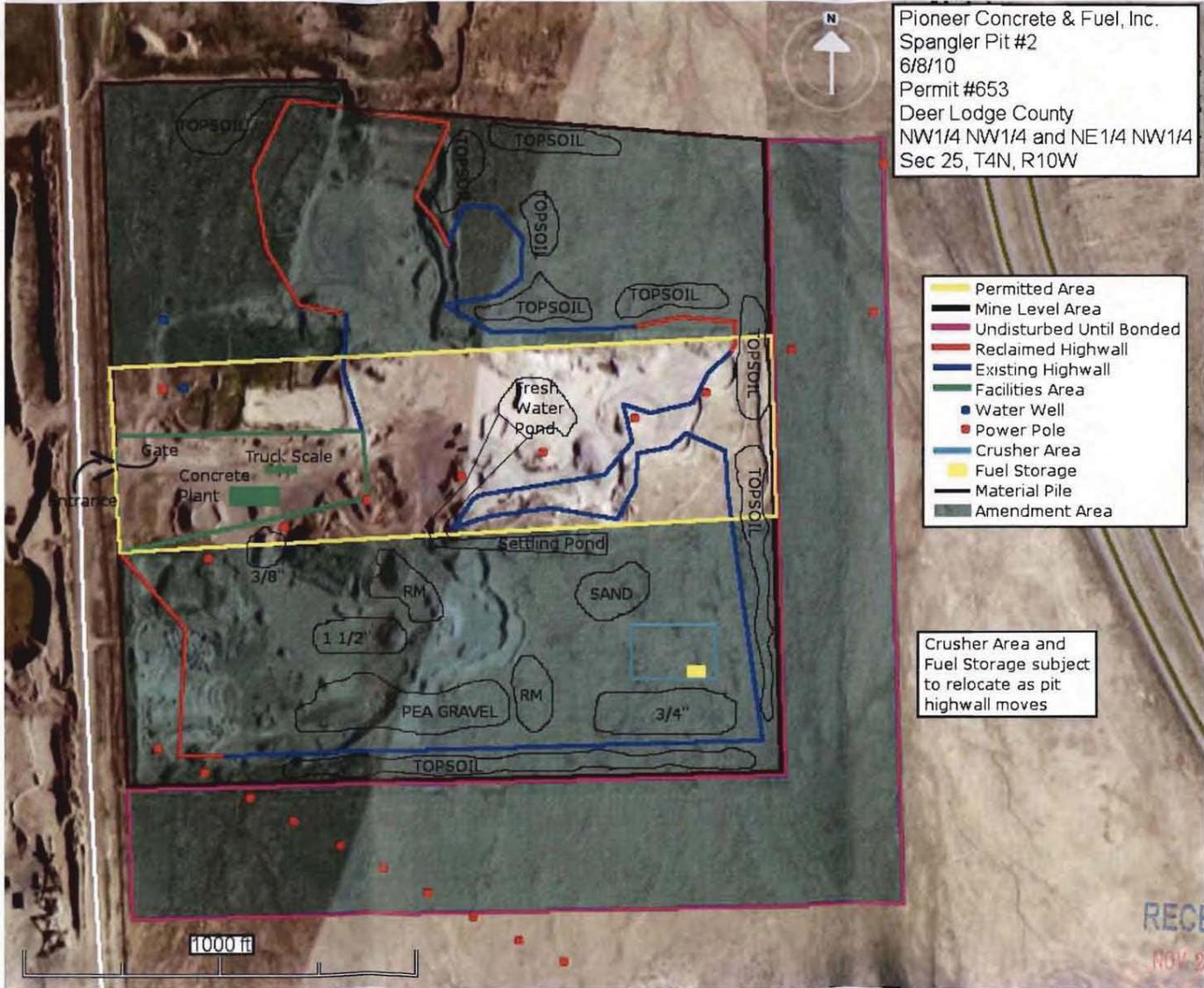
PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.



Pioneer Concrete & Fuel, Inc.
 Spangler Pit #2
 6/8/10
 Permit #653
 Deer Lodge County
 NW1/4 NW1/4 and NE1/4 NW1/4
 Sec 25, T4N, R10W

- Permitted Area
- Mine Level Area
- Undisturbed Until Bonded
- Reclaimed Highwall
- Existing Highwall
- Facilities Area
- Water Well
- Power Pole
- Crusher Area
- Fuel Storage
- Material Pile
- Amendment Area

Crusher Area and Fuel Storage subject to relocate as pit highwall moves

RECEIVED
 NOV 24 2010
 DEQ/IEMB