DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: MK Weeden Construction Inc. **COUNTY:** Meagher

SITE NAME: Bair Site **DATE:** December 2010

LOCATION: Section 11 & 14, T8 N, R11 E

APPROVED PERMIT #: 1944

Type and Purpose of Action: The operator has applied for an amendment to add 1.9 acres to their existing 8-acre permit for the purpose of expanding the mine area. The total permitted area would be 9.9 acres.

Site Description: The 1.9-acre proposed amendment area is an addition of two parcels of land, one located adjacent and north of the existing permit boundary and one located adjacent and south of the existing permit boundary. If approved, the operation would mine to the north and south of the existing permit boundary (see attached map). The town of Martinsdale is located directly south of the proposed amendment boundary.

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 hayland with slopes no steeper than 5:1. The April 2010 Environmental Assessment is applicable to this action.

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

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

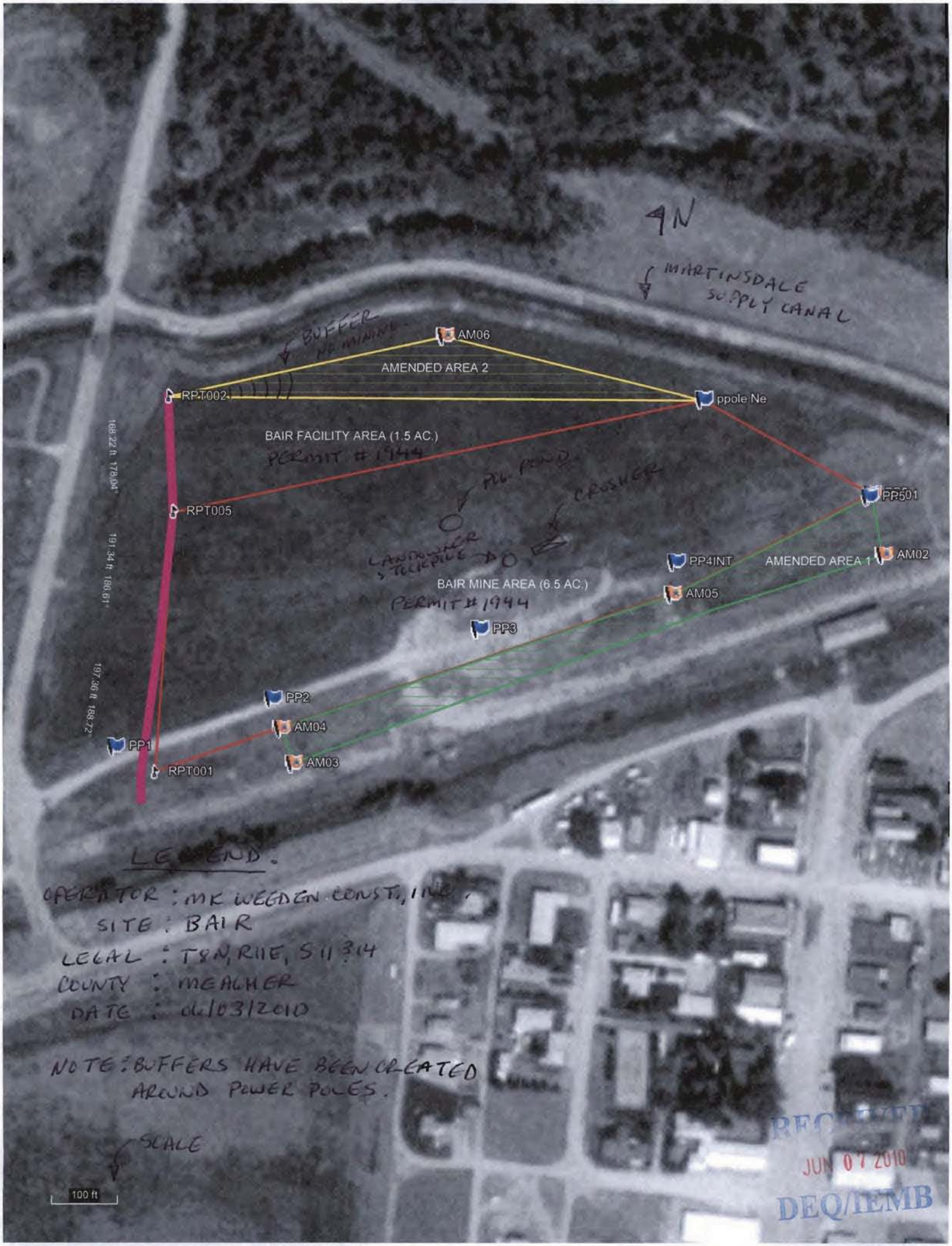
PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.


4N
MARTINSDALE SUPPLY CANAL
BUFFER NO MINING
AM06
AMENDED AREA 2
RPT002
ppole Ne
BAIR FACILITY AREA (1.5 AC.)
PERMIT #1944
PLC POND
CRUSHER
LANDOWNER TELEPOLE
RPT005
PP501
PP4INT
AMENDED AREA 1
AM02
AM05
BAIR MINE AREA (6.5 AC.)
PERMIT #1944
PP3
PP2
AM04
AM03
PP1
RPT001
168.22 ft 178.04°
191.34 ft 186.61°
197.36 ft 188.72°
LEGEND:
OPERATOR: MK WEEDEN CONST., INC.
SITE: BAIR
LEGAL: T8N, R11E, S11 & 14
COUNTY: MEAGHER
DATE: 06/03/2010
NOTE: BUFFERS HAVE BEEN CREATED AROUND POWER POLES.
SCALE
100 ft
RECEIVED
JUN 07 2010
DEQ/EMB