

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT February 2011

Requested Action: Amendment # 4
Proponent: American Colloid Company
Site Name: Warren Site
Legal: Additional 170.3 acres in Section 23, T 9 S, R 24 E
County: Carbon
Existing Permit #: 8 (old permit #00082)

Requested Action: The applicant requests that the size of the permit be increased by 170.3 acres, and the seed mix be changed so that more variability can be achieved. The final reclamation date would be November 2030. The reclamation bond is recalculated on an annual basis. ACC carries a surety bond that is currently about \$400,000 in excess of their total reclamation liabilities.

Existing Permit 8 Totals	Totals	BLM	Private
Total Acres	7,323.4	3,739.3	3,584.1
Amendment 4 Totals	170.3	0	170.3
New Total Acres	7,493.7	3,739.3	3,754.4

Mining would only disturb approximately 73 acres in the Amendment #4 area.

History: This permit is located in two general areas – one about 8 miles south of Bridger and the other about 4 miles east of Warren. No mining has occurred in the northern area. The original environmental assessment and subsequent supplemental environmental assessments have not identified any significant impacts.

Type and Purpose of Action: This amendment adds the remainder of ACC's mineral claims so that all of their claims are now within the permit boundary. This allows access to different qualities of bentonite and more organized mining. All aspects of the mining operation will remain the same.

This amendment would modify the reclamation plan. It adds numerous species to the seed mix. The plan allows for annual variation in the mix based upon the topographic setting, availability of seeds, and their costs. Thus, if a species is not available because of a crop failure or because it was bought up for massive reseeding projects due to fire, etc., substitute species could be incorporated. Also, small-scale topographic features such as ponds could be added that would take advantage of local environs and provide variation in the habitat and landscape. This approach has been approved by the BLM and is also being incorporated into bentonite permits in the Alzada region.

Potential Impacts and Mitigation: It is expected that impacts associated with adding acreage will mimic those identified in the previously-approved EA documents. The modification of the seed mix would lead more varied vegetation and better overall reclamation. No significant impacts would occur.

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Name Title

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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.