

**DEQ OPENCUT MINING PROGRAM**

**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

**APPLICANT:** MK Weeden Construction, Inc.

**COUNTY:** Hill

**SITE NAME:** Hill County

**DATE:** May 2011

**LOCATION:** Section 16, T29 N, R16 E

**APPROVED PERMIT #:** 2069

**Type and Purpose of Action:** Operator has applied for an amendment for the purpose of changing the construction of a fish pond to construction of two water source ponds in the mine area. The total permitted area would remain at 43.1 acres.

**Site Description:** The proposed water source ponds are in an area in the northwest corner of the permit area. The operation will continue to mine the area that will result in creation of the ponds. The site characteristics of concern are nearby public campground and summer cabins, and the mine proximity to Beaver Creek.

**Potential Impacts and Mitigation:** Public access to the campground area 0.5 miles to the northwest, and summer cabins 0.5 miles to the east is via roads through the main permit area. The Plan of Operation stipulates that the operator will work with the county to assure public safety and possible impacts to the public; a foreman will be assigned to monitor traffic and assist any travelers through the main permit area; and hazard signs will be placed to inform the public to stay on designated routes, which will be marked.

The mine area will be greater than 100 feet from Beaver Creek and will have a road constructed between the creek and mine area. The new ponds will be constructed more than 200 feet from Beaver Creek. Because Beaver Creek is generally a small perennial stream, has a defined channel, and the ground rises between Beaver Creek and the ponds, there is a low likelihood that Beaver Creek would “capture” the mine area or the new ponds.

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, water source ponds and roads. The 2001 Environmental Assessment is applicable to this action, as are the previous 2004 and 2011 Supplemental Environmental Assessments.

**Prepared By:** Don Jackson 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.



