DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

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

SITE NAME: Goggins **DATE:** September 2011

LOCATION: Section 3 & 4, Township 10 North, Range 31 East

APPROVED PERMIT #: 1468

Type and Purpose of Action: Operator has applied for an amendment to add 142.0 acres to their 9-acre permit for the purpose of expanding the mine area. The total permitted area would be 151.0 acres. In addition, the Operator would add a screen to the permit and extend their reclamation date until August 2018.

Site Description: The 142.0-acre proposed amendment area is an addition directly adjacent and to the south and west of the existing permitted area. The Operation would have non-bonded area on the north and south ends of the permit area. Mining has only occurred in the permitted area to date, but the operation would continue to mine to the north and south. 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 grassland. The 2009 Environmental Assessment is applicable to this action.

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

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

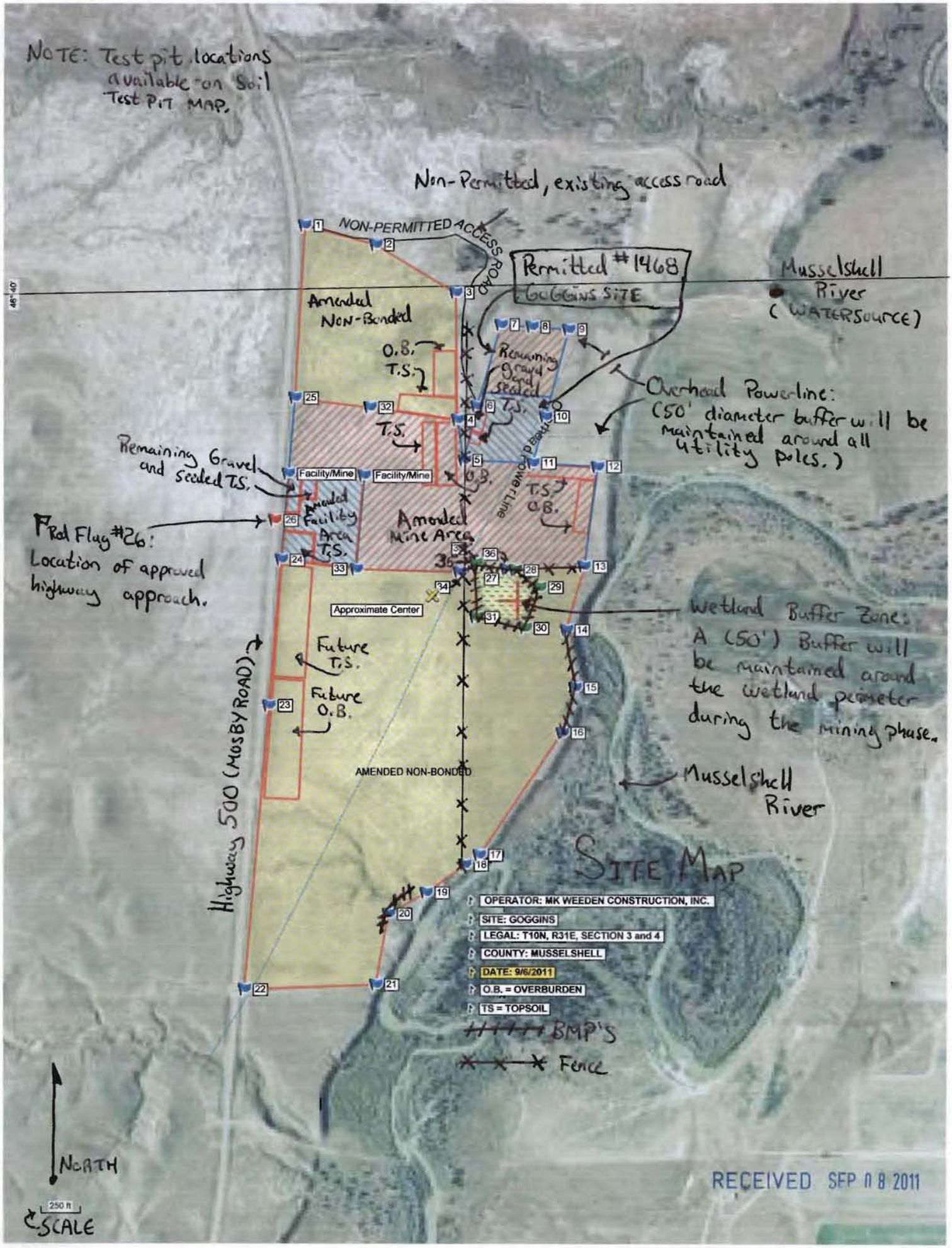
PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST

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.


NOTE: Test pit locations available on Soil Test Pit MAP.
Non-Permitted, existing access road
NON-PERMITTED ACCESS ROAD
Permitted #1468
GOGGINS SITE
Musselshell River (WATERSOURCE)
Amended Non-Bonded
O.B.
T.S.
Remaining Gravel and Seeded T.S.
Overhead Powerline: (50' diameter buffer will be maintained around all utility poles.)
T.S.
Remaining Gravel and Seeded T.S.
Facility/Mine
Facility/Mine
Amended Facility Area T.S.
Amended Mine Area
O.B.
T.S.
O.B.
Red Flag #26: Location of approved highway approach.
Approximate Center
Wetland Buffer Zone: A (50') Buffer will be maintained around the wetland perimeter during the mining phase.
Future T.S.
Future O.B.
Highway 500 (MOSBY ROAD)
AMENDED NON-BONDED
Musselshell River
SITE MAP
OPERATOR: MK WEEDEN CONSTRUCTION, INC.
SITE: GOGGINS
LEGAL: T10N, R31E, SECTION 3 and 4
COUNTY: MUSSELSHELL
DATE: 9/6/2011
O.B. = OVERBURDEN
TS = TOPSOIL
BMP'S
Fence
NORTH
250 ft
SCALE
RECEIVED SEP 08 2011