

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Lincoln County

COUNTY: Lincoln

SITE NAME: Troy District #2

DATE: October 2011

LOCATION: Section 13, T31N, R34W

APPROVED PERMIT #: 596

Type and Purpose of Action: Operator has applied for an amendment to operate an asphalt plant, pugmill and a crusher within their permit and to fine-tune the permit acreage following closer measurement by GPS. The total permitted area would be 35.6 acres.

Site Description: The site is located along the Callahan Creek Cutoff Road and rises above the road level to the east. The asphalt plant would be temporarily located at this site during road paving projects in the summer. The activities of crushing and mixing asphalt have occurred over many years intermittently and will continue to do so. There are no site characteristics of special concern, or public use areas. There are several homesites in the area, and during times when work is being conducted, residents and travelers along the road would likely be able to observe the crusher and hot plants operating. The road would be affected by increased truck traffic during these episodes of activity, but episodes would be separated by long periods of inactivity.

Potential Impacts and Mitigation: Use of the permit 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 previous April 2010 Environmental Assessment is applicable to this action.

Prepared By: Rod Samdahl 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.