

DEQ OPENCUT MINING PROGRAM
SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Treasure State Concrete, Inc.

COUNTY: Lake

SITE NAME: Rehbein

DATE: April 2012

LOCATION: Section 26, T22N, R20W

APPROVED PERMIT #: 1748

Type and Purpose of Action: Operator has applied for an amendment to add 222.7 acres to their 36-acre permit for the purpose of expanding the mine area, of deepening the pit, of revising their Plan of Operations and extending their date of final reclamation. Much of the proposed amendment area has already been impacted by mining. The total permitted area would be 258.7 acres. See [FIGURE 1 – AMENDMENT MAP](#).

Site Description: The 222.7-acre proposed amendment area is an addition directly adjacent to the existing permitted area. There are no site characteristics of special concern, nearby residences or public use areas. The site is divided east and west by a railroad track, which would be left undisturbed.

Potential Impacts and Mitigation: Use of the amendment area would not cause substantial impacts on the physical environment and human population. There is no natural vegetation remaining at this site since agricultural activities have disturbed all land proposed for addition to this permit. The proponent would be legally bound by their permit to reclaim the site to grassland. The 1994 Environmental Assessment is applicable to this action.

The Montana Natural Heritage Program has identified 9 animal species of concern in this area including the Common Loon, Great Blue Heron, Bald Eagle, Long-billed Curlew, Caspian Tern, Forster's Tern, Black Tern, Grasshopper Sparrow, Bobolink, Townsend's Big-eared Bat and one plant species of concern, the Scribner's Panic Grass. Numbers for these species are unknown but those individual species that may be temporarily displaced would likely return as the site is reclaimed. No long-termed impacts are expected as a result of this amendment.

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.

FIGURE 1 – AMENDMENT MAP

