

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Excel Industries, Inc.

COUNTY: Richland

SITE NAME: MT State Trust Lands

DATE: October 2012

LOCATION: Section 16, Township 27 North, Range 56 East

APPROVED PERMIT #: 2142

Type and Purpose of Action: Operator has applied for an amendment to add 1.8 acres to their 14.5-acre existing permit for the purpose of expanding the mine area. The total permitted area would be 16.3 acres.

Site Description: The 1.8-acre proposed amendment area is an addition located directly adjacent and to the west and east of the existing permitted area. The west addition area would allow the operator more working room to adequately reclaim the site. The east addition area would encompass the previously disturbed area, located outside the previously permitted boundary. A large portion of the site is mostly reclaimed and re-graded, except for a small area on the north end of the existing site. 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 rangeland/pasture with an access road remaining by September 2015. The 2012 Environmental Assessment is applicable to this action.

Prepared By: J.J. Conner 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.

SITE MAP

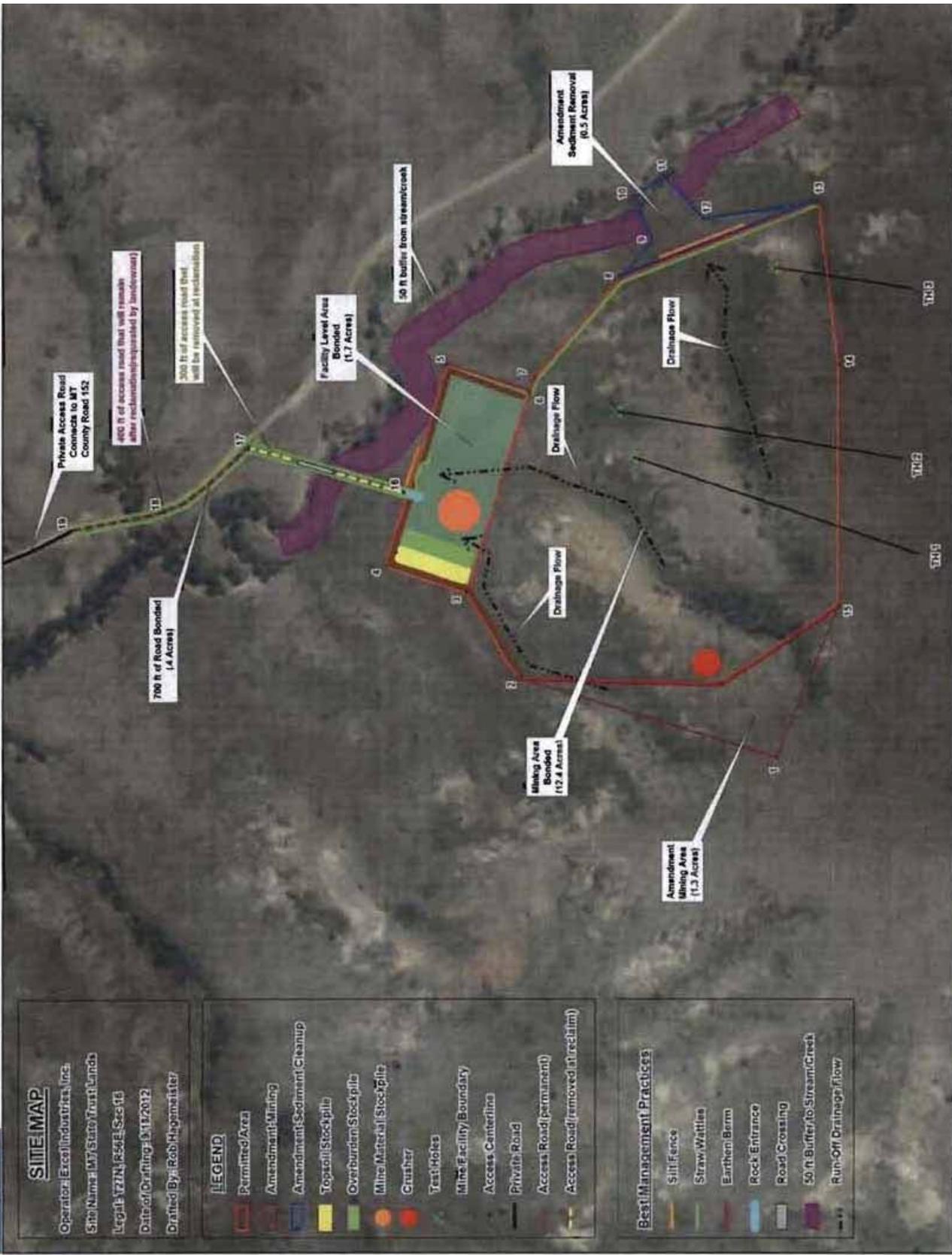
Operator: Excel Industries, Inc.
 Site Name: MT State Trust Lands
 Legal: YZZN, Sec 14, S4E1, Sec 14
 Date of Drawings: 01/12/2012
 Drafted By: Rob Rhymer/aster

LEGEND

- Permitted Area
- Amendment-Mining
- Amendment-Sediment Cleanup
- Topsoil Stockpile
- Overburden Stockpile
- Mine Material Stockpile
- Crusher
- Yard/Hotels
- Mine Facility Boundary
- Access Centerline
- Private Road
- Access Road (permanent)
- Access Road (removed at reclamation)

Best Management Practices

- Silt Fence
- Straw/Wattle
- Earth Berm
- Rock Entrance
- Road Crossing
- 50 ft Buffer to Stream/Creek
- Run-Off Drainage Flow



Private Access Road Connects to MT County Road 152

800 ft of access road that will remain after reclamation (supported by landowner)

300 ft of access road that will be removed at reclamation

Facility Level Area Bonded (11.7 Acres)

50 ft Buffer from stream/creek

Mining Area Bonded (12.4 Acres)

Amendment Mining Area Bonded (11.3 Acres)

Amendment Sediment Removal (0.5 Acres)