

## DEQ OPENCUT MINING PROGRAM

### SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

**APPLICANT:** Lloyd Bache and Sons                      **COUNTY:** Sanders  
**SITE NAME:** Carr    **DATE:** February 2011  
**LOCATION:** Section 25 & 26, T20 N, R26 W

**APPROVED PERMIT #:** 1425

**Type and Purpose of Action:** Operator has applied for an amendment to update the bond, the seed mix, the Plan of Operation, and adjust the mining plan so that 3:1 slopes are always present with no highwalls. No acreage is being added to the permit and the total permitted area would remain at 5 acres.

**Site Description:** There are no site characteristics of special concern, or nearby residences or public use areas.

**Species of Concern:** The Montana Natural Heritage Program (MNHP) lists the following six species of concern in the vicinity of the site:

**Lewis's woodpecker** (*Melanerpes lewis*) is a medium sized woodpecker, approximately 10 to 11 inches in length. Lewis's woodpeckers are quieter than other woodpeckers as they usually only call during the breeding season. Important habitat features include an open tree canopy, a brushy understory with ground cover, dead trees for nest cavities, dead or downed woody debris, perch sites and abundant insects.

**Westslope Cutthroat Trout** (*Oncorhynchus clarkii lewisi*) is one of two subspecies of native cutthroat found in the state. It has been designated as Montana's state fish. Westslope cutthroat trout require cold water and seek out gravel substrates in riffles and pool crests for spawning habitat.

**Bull trout** (*Salvelinus confluentus*) is threatened species of fish that can be found in the Clark Fork and Flathead drainages of western Montana. Sub-adult and adult fluvial bull trout reside in larger streams and rivers and spawn in smaller tributary streams, whereas adfluvial bull trout reside in lakes and spawn in tributaries. Bull trout can grow to lengths of 37 inches and weights of 20+ pounds.

**Lake Trout** (*Salvelinus namaycush*) are native in the St. Mary and Missouri River drainages and have been introduced to a few other scattered mountain lakes, Flathead Lake, and Fort Peck Reservoir. In Montana, the lake trout of Flathead Lake have achieved trophy status, growing to 42 pounds. Lake trout inhabit very deep, cold lakes, living in water up to 200 feet deep. They spawn in the fall on the rocky substrate of the shoreline. They scatter or broadcast their spawn, a rarity in the trout group. Small lake trout feed on plankton and aquatic invertebrates but fish over 2 to 3 pounds eat a fish diet.



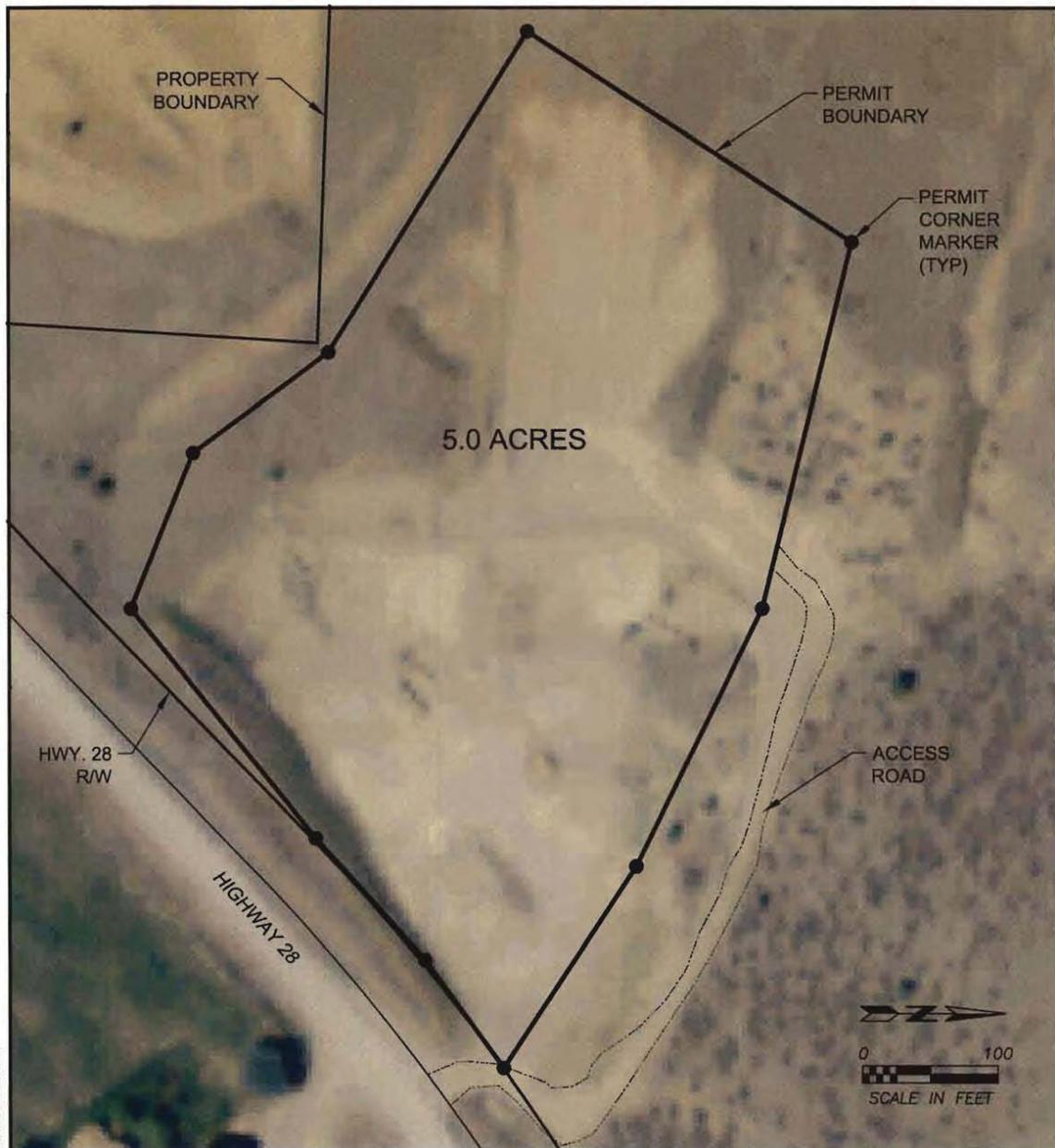
**PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST**

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.



F:\8879 - Bache Gravel Pit Permits\Bachengravel.dwg, 1/11/2010 9:18:12 AM, Mark

**Dj&A, P.C.**  
 CONSULTING ENGINEERS & LAND SURVEYORS  
 2031 Russell Street, Missouri, Murfreesboro 38851-4591  
 Phone 406/721-4320 Fax 406/549-6371

LLOYD BACHE & SONS - CARR PIT SITE  
 SE1/4, SE1/4, SECTION 26, T20N, R26W &  
 SW1/4, SW1/4, SECTION 25, T20N, R26W  
 SANDERS COUNTY - NOVEMBER 10, 2010  
 PERMIT AREA = 5.0 ACRES

RECEIVED  
 DEC 29 2010  
 DEQ/IEMB