

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Plum Creek Timberlands, L.P.

COUNTY: Lincoln

SITE NAME: Elk Hill

DATE: March 2011

LOCATION: Section 28, T27N, R28W

APPROVED PERMIT #: 1529

Type and Purpose of Action: Operator Plum Creek Timberlands is amending its Elk Hill mining permit to enlarge the size of the permit area, change the reclaimed use, change the map, plan, performance bond, and add an asphalt plant.

Site Description: The original permit was issued to Schellinger Construction in June 1991 for 1.5 acres. It was amended to 2.5 acres in 1997, assigned to JTL and amended to 20.8 acres in 2001 and amended again to 23.9 acres in 2009. This amendment would increase its size to 100 acres (see [FIGURE 1 – SITE MAP](#)), mainly as “undisturbed” until needed later. Since only 23.9 of the 100 acres would be utilized at this time, the performance bond for this site would be \$68,755. There are no site characteristics of special concern, or nearby residences that would be significantly affected by this change.

Potential Impacts and Mitigation: This action will create a minor visual disturbance as previously identified in the original Environmental Assessment completed by DEQ in February 1997 and a Supplemental Environmental Assessment completed by DEQ in May 2007. The site will be reclaimed as forest land and there is no substantial change in the original plan as a result of this amendment. This action would not cause substantial impacts on the physical environment and human population.

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FIGURE 1 – SITE MAP

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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.