

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: Bay Materials, LLC

COUNTY: Toole

SITE NAME: Normont Farms

DATE: July 2012

LOCATION: Section 22, T35 N, R3 W

APPROVED PERMIT #: 1872

Type and Purpose of Action: Operator has applied for an amendment to increase the mine acreage, reduce the facility acreage, and increase the highwall length and bond amount for the purpose of expanding the mine area into the previously non-bonded area. The total permitted area would remain at 42.3 acres, with 9.8 acres remaining non-bonded.

Site Description: The proposed expansion of the mine area is directly adjacent and to the west of the existing mine area. The operation will continue to mine toward the west. 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 by November 2030. The April 2010 Environmental Assessment is applicable to this action.

Prepared By: Kenley Stone 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

BAY MATERIALS, LLC
 NORMONT FARMS
 KEVIN, MT DEQ OPEN
 CUT PERMIT# 1872
 SEC 22, T35N, R3W
 TOOLE COUNTY, MT

LEGEND

- BONDED AREA
- NONBONDED AREA

SCALE—1" = 300 FT

MAP	LATITUDE	LONGI-	BOUNDARY TYPE	DESCRIPTION
Center	48.77107	-111.979568	Permit Center Point	Approximate Center of Site
1	48.76914	-111.98227	Permit Boundary	SW Corner of Permit Area
2	48.76914	-111.97683	Permit Boundary	SE Corner of Permit Area
3	48.773	-111.97683	Permit Boundary	NE Corner of Permit Area
4	48.773	-111.98234	Permit Boundary	NW Corner of Permit Area
5	48.76914	-111.98000	Non-Bonded Boundary	SE Corner Non-Bonded Area
6	48.76914	-111.98227	Non-Bonded Boundary	SW Corner Non-Bonded Area
7	48.773	-111.98234	Non-Bonded Boundary	NW Corner Non-Bonded Area
8	48.773	-111.97932	Non-Bonded Boundary	NE Corner Non-Bonded Area
9	48.77216	-111.98167	Non-Bonded Boundary	Intermediate Pt Non-Bonded Area
10	48.77115	-111.98174	Non-Bonded Boundary	Intermediate Pt Non-Bonded Area

