

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

Applicant: Musselshell County Road
Department

COUNTY: Musselshell

SITE NAME: Wacker

DATE: November 2012

LOCATION: S28, T10 N, R25 E

APPROVED PERMIT #: 919

Type and Purpose of Action: Operator has applied for an amendment to remove 8.5 acres from their 37.5-acre permit for the purpose of excluding area along an ephemeral stream from the permit boundary and to remove the existing access road at the landowner's request. The total permitted area would be 29 acres. The amendment would also add processing equipment to the permit and extend the reclamation date. The existing permit includes no processing equipment.

Site Description: The remaining 29 acres is composed of existing permitted area. The operation will continue to mine to the east and north. There are no site characteristics of special concern, or nearby residences or public use areas.

Potential Impacts and Mitigation: Continued use of the permit 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 2020. The 2009 Environmental Assessment is applicable to this action.

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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.



MUSSELSHELL COUNTY

37.5 ACRES EXISTING PERMIT
31 ACRES OF EXISTING DISTURBANCE

Site Map
T10N, R25E, SECTION 28
Wacker Site
Permit #019
Musselshell County
MT

Extra Legend:
First Legend provided by DEQ
A. mined material stockpile
B. No crusher or screen is at this location at this time and may never will be. But if so it will be located to the west of mined material stockpile

10-18-12

- Legend**
- Operator Provided Coordinates
 - Soil test pits 05-22-12
 - - - Operator Proposed Permit Boundary
 - ▨ Potential Reclaimed Area
 - ▣ Soil Stockpile - Approx. 10ft high
 - ▭ 05-22-2012 GPS Mapped Disturbance
 - Elevation 5476.8 Feet

1 inch = 200 feet
0 100 200 Feet

Musselshell County Road Department - Wacker Site
S28, T10N, R25E

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