

DEQ OPENCUT MINING PROGRAM

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

APPLICANT: MK Weeden Construction, Inc.

COUNTY: Fergus

SITE NAME: Ed Wichman

DATE: March 2016

LOCATION: S1, T14N, R16E

APPROVED PERMIT #: 1470

Type and Purpose of Action: Operator has applied for an amendment to change the reclamation date. The total permitted area would remain 38.3 acres.

Site Description: The proposed amendment would not add any area to the existing permitted area. A separate 9.7 acre east area was released from the permit in April 2015. The operation has finished mining and is reclaiming the site. There are no nearby residences or public use areas. Highway 87 is immediately south of the existing permit area. Ponded water has been previously observed in a low point of the mine area. In order to maintain a three-foot separation between the seasonal high water table and the reclaimed land surface, the amendment proposes to backfill the wet area with pit-run and/or reject material before replacing overburden and soil.

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 cropland by November 2018. The 2009 Environmental Assessment is applicable to this action.

Prepared By: Don Jackson 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?

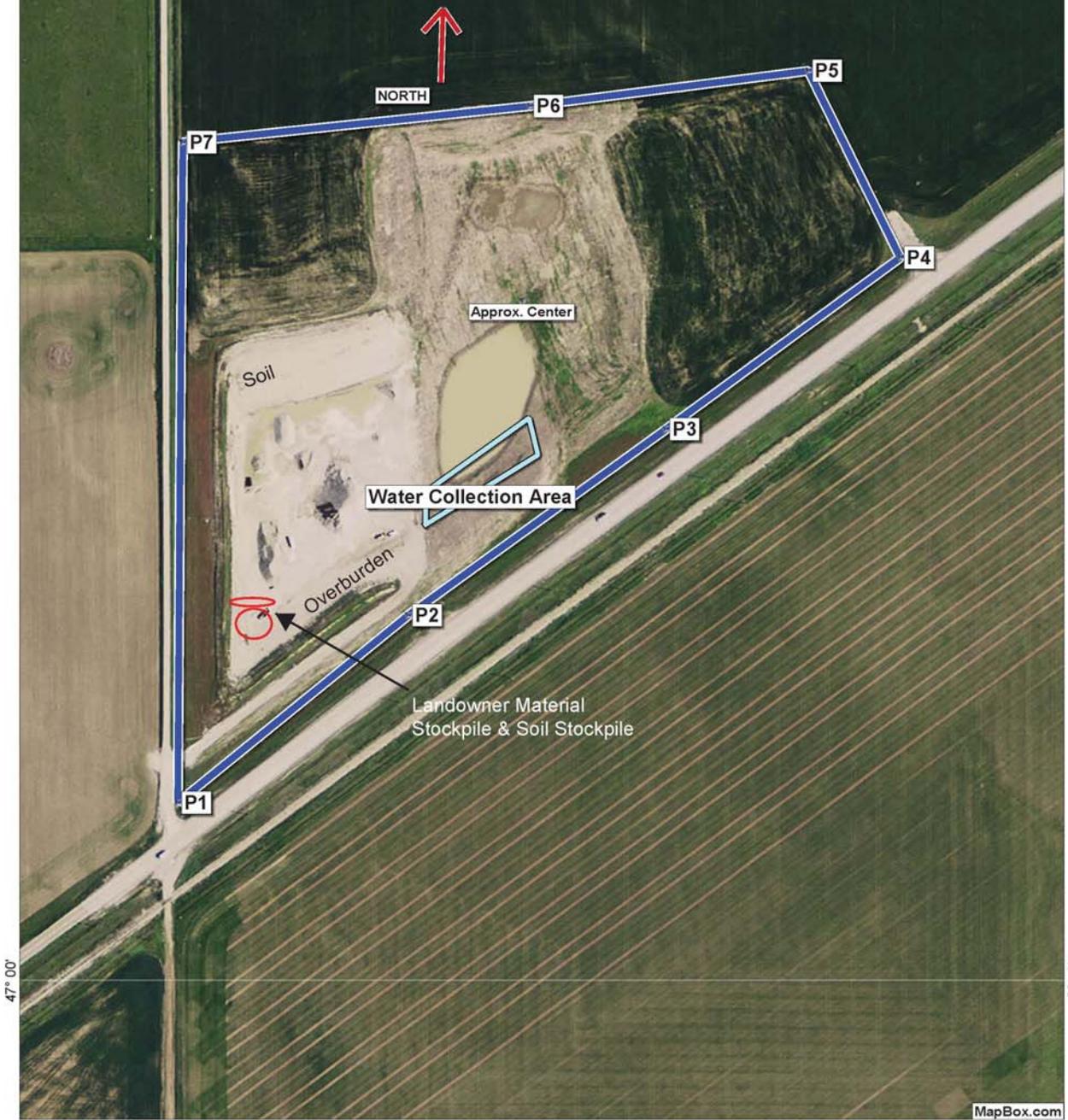
YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically 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.

OPERATOR: MK WEEDEN CONSTRUCTION, INC.
SITE: ED WICHMAN
LEGAL: T14N, R16E, SECTION 01
COUNTY: FERGUS
DATE: 2/12/2016

SITE MAP



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