

**DEQ OPENCUT MINING PROGRAM**

**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

**APPLICANT:** MK Weeden Construction, Inc.

**COUNTY:** Judith Basin

**SITE NAME:** Rogers Pit

**DATE:** March 2016

**LOCATION:** S8, T13N, R12E

**APPROVED PERMIT #:** 2211

**Type and Purpose of Action:** Operator has applied for an amendment for the purpose of adding seasonal wetland to the postmining land uses of rangeland/pasture and cropland/hayland. The total permitted area would remain the same at 15.5 acres. The operator's opencut activities resulted in creating a wetland area with open water and areas with less than three feet of separation between the surface and seasonal high water levels.

**Site Description:** The wetlands area is located in the southern part of the existing permitted area. The opencut operations are complete and the site has been reclaimed to the three postmining land uses. There are no site characteristics of special concern, nearby residences or public use areas.

**Potential Impacts and Mitigation:** The amendment 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 seasonal wetland, rangeland/pasture, and cropland/hayland by October 2017. The 2012 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

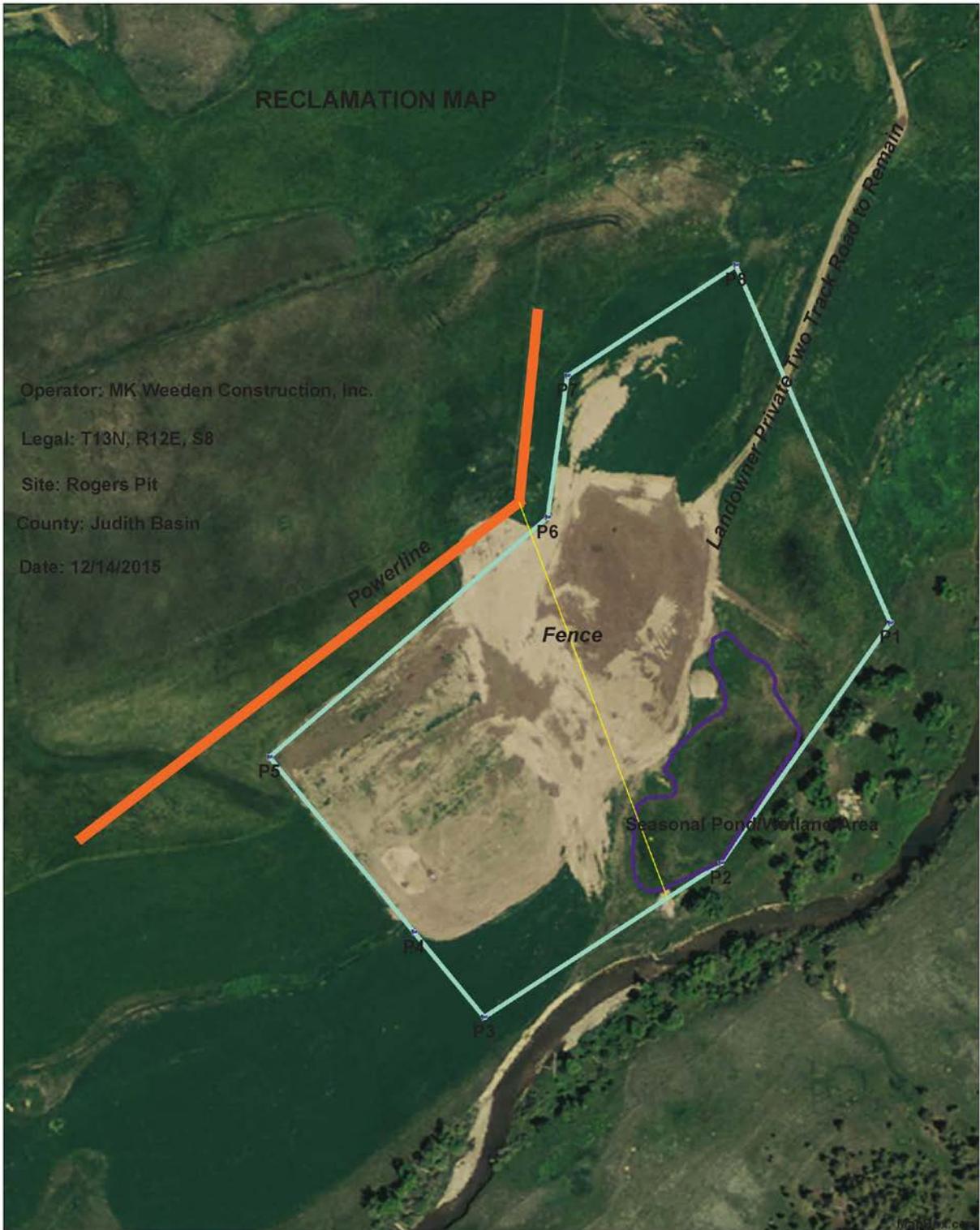
**PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST**

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.



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