

Appendix A: Site Assessment

Objective

The site assessment (SA) informs the decision making body of the severity of non-compatible land use within predetermined distances from a proposed mining operation. Operations that are located near existing non-compatible uses may create conflict between residents of the area and the operation and those operations may not be in compliance with adopted plans. The site assessment provides a measurement the governing body can use as the bases for two critical decisions; first, whether or not to require an applicant to undergo a more rigorous mitigation, and secondly, to bring the proposed action into compliance with any adopted plans.

Compatibility with adjacent land uses lessens the potential for conflict and creates an environment for an operator to conduct normal mining practices without incurring complaints and, perhaps, lawsuits. The more compatible the adjacent uses are the more flexibility an operator has to adapt to market demands and desired products. Therefore, a mining operation with more compatible uses on the perimeter than another operation will rank higher on the SA scale. This factor should be rated on a scale starting from fully compatible with adjacent land uses (100 points) to high conflict with adjacent land uses (0 points).

The Task Force is recommending that the Site Assessment scale be standardized. To make the results of the SA more reliable and effective as a measurement gathering baseline date of existing mining operation sites and assessing the scaling mechanism for the evaluation would improve the efficacy of the results. Therefore, additional time and resources is suggested to evaluate the mechanism and forward those finding to the Commission for further review.

Background

The quantitative analysis and selection of variables is based on the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) Land Evaluation and Site Assessment (LESA) system. The methodology has been used to evaluate aggregate resources. Additionally, the results the LESA system provides are a useful tool that gives decision makers a consistent, defensible basis for comparing different parcels of land.

In 1984, LESA criteria were included in the federal farmland Protection Policy Act (FPPA) rule to help federal agencies determine which agricultural land should be protected from development. FPPA requires federal agencies to use LESA criteria to identify and take into account potential adverse effects of federal programs on the preservation of farmland. It also requires agencies to consider alternative actions, and as appropriate, to lessen such adverse effects and ensure that federal programs are coordinated with state, local, and private programs and policies. Under the revisions to the FPPA rules in 1984, LESA is now also used to determine which lands are to be committed to urban uses.

Methodology - Trigger

The following methodology is an evolution of Chapter 5: Selecting and Scaling Site Assessment Factors of the Land Evaluation and Site Assessment: A guidebook for Rating Agricultural Lands, Second Edition.

Primary Assumptions:

1. Residential structure – it's not the land that has trouble it the proximity of people
2. Affected Area (multiplier):
 - a. Adjacent properties within 1,000-feet.
 - b. Property owners within $\frac{1}{4}$ (1,320) mile of the permitted area.
 - c. Property Owners within $\frac{1}{2}$ (2,40 feet)mile of the permitted area
 - d. Property owners within 1 mile of the permitted area
3. Value equal to or greater than X
4. Or equal to or greater than 90% of adjacent land owners are opposed to proposed operation
5. 11-step scale: 0, 10, 20, 30, 40, 50, 60, 70, 80, 90, 100
6. Lot configuration (see diagrams)

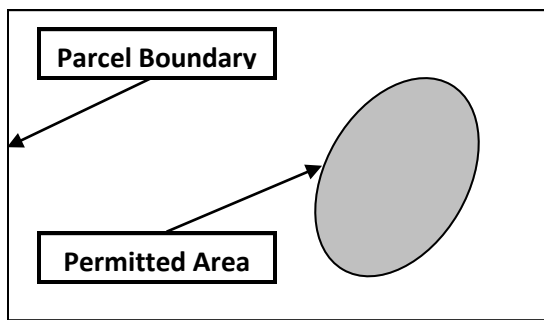


Diagram 1: Permitted Area Definition. Permitted area is defined by MDEQ.

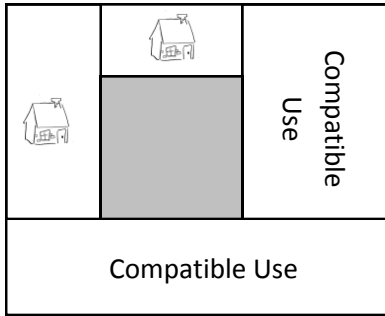


Diagram 2: Low NCU

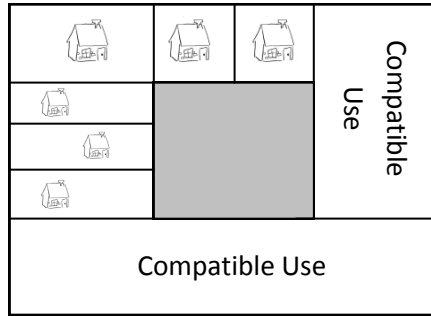


Diagram 3: Medium NCU

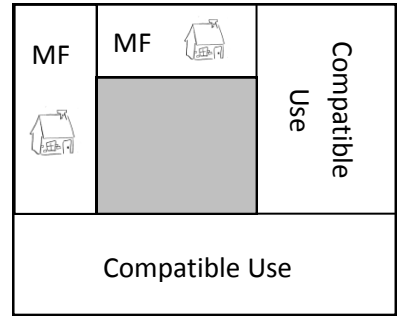


Diagram 4: High NCU

Table 2: Conflict Calculation

| | Number of Units | Scale Factor | Conflict Value |
|---|------------------------|---------------------|-----------------------|
| # Units up to ¼ mile from permit area | | 0.6 | |
| # Units from ¼ to ½ mile from permit area | | 0.25 | |
| # Units from ½ to 1 mile from permit area | | 0.15 | |
| | Sum | | |

Table 3: Mitigation Requirements

| Conflict Value | Scale Factor | Mitigation Level |
|-----------------------|---------------------|-------------------------|
| 0 | 100 | Standard |
| Up to 10 | 90 | Standard |
| 11 – 20 | 80 | |
| 21 – 30 | 70 | |
| 31 – 40 | 60 | Moderate |
| 41 – 50 | 50 | Moderate |
| 51 – 60 | 40 | Moderate |
| 61 – 70 | 30 | |
| 71 – 80 | 20 | |
| 81 – 90 | 10 | Rigorous |
| 91 > | 0 | Rigorous |