



**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.

## Gruber, Jana

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**From:** Murdo, Damon  
**Sent:** Friday, November 18, 2011 1:21 PM  
**To:** Gruber, Jana  
**Subject:** RE: SPHO Report  
**Attachments:** CRIS.pdf; 2011111807-DEQ.xls; CRABS.pdf



November 18, 2011

Jana Gruber  
DEQ  
2001 11<sup>th</sup> Ave  
Helena, MT 59601

RE: SUMMIT ENERGY SERVICES – LINDE SITE – PERMIT #2196. SHPO Project #: 2011111807

Dear Jana:

A file search of the statewide cultural resource information databases and a review of your letter resulted in the following information regarding the proposed project location:

- 1) **Previously recorded sites**  
According to our records there have two previously recorded historic or archaeological sites within the designated search locales.
- 2) **Previous surveys conducted in the project area**  
The absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated only one.
- 3) **Previous disturbance in the area of potential effect**  
Pasture/Rangeland.
- 4) **DEQ Gravel Source Inspection Form results**  
None provided.
- 5) **Additional comment or information**  
Based on the lack of inventory and the ground disturbance required by this undertaking we feel that this project has the potential to impact cultural properties. We, therefore, recommend that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov). I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo  
Cultural Records Manager  
State Historic Preservation Office

File: DEQ/OPENCUT/2011

Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	NR Status
24RL0230	24 N	59E	30	Unk	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	CD
24RL0094	24 N	59E	31	Oth	Historic Mining	Null	Historic Period	Private	undetermined

Township: 24 N    Range: 59 E    Section: 31

ANDERSON                  PAUL

6 / / 1985      CULTURAL RESOURCE INVENTORY AND EVALUATION OF SELECTED ABANDONED COAL MINE SITES IN  
THE FORT UNION FORMATION OF EASTERN MONTANA

CRABS Document Number:    ZZ 5 10791                  Agency Document Number:

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