

**DEQ OPENCUT MINING PROGRAM**  
**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

**APPLICANT:** Rosebud County Road Dept.

**COUNTY:** Rosebud

**SITE NAME:** Bunny

**DATE:** January 2013

**LOCATION:** S6, T6 S, R43 E  
S1, T6 S, R42 E

**APPROVED PERMIT #:** 969

**Type and Purpose of Action:** Operator has applied for an amendment to add 4.0 acres to their 8.8-acre permit for the purpose of expanding the mine area. The total permitted area would be 12.8 acres.

**Site Description:** The 4.0-acre proposed amendment area is an addition directly adjacent and to the north, west, and south of the existing permitted area. The operation will continue to mine to the south. There are no site characteristics of special concern, or nearby residences or public use areas.

**Historical and Archaeological Sites:** The Montana State Historic Preservation Office (SHPO) was notified of the application. It reported that no sites have been discovered previously within the designated search locale. A pedestrian survey of the area by DEQ personnel did not reveal any artifacts or signs of occupation. No signs were evident at depth in the previously disturbed area. SHPO recommends that a cultural resource inventory be conducted at this site in order to determine whether or not sites exist and if they would be impacted.

*Impacts:* If during operations resources were to be discovered, activities would be temporarily moved to another area or halted until SHPO was contacted and the importance of the resources was determined.

**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 rangeland/pasture by June 2032. The 1997 Environmental Assessment is applicable to this action.

**Prepared By:** Kenley Stone Opencut Mining Program Environmental Specialist  
Name Title

**Reviewed By:** Chris Cronin Opencut Mining Program Supervisor  
Name Title

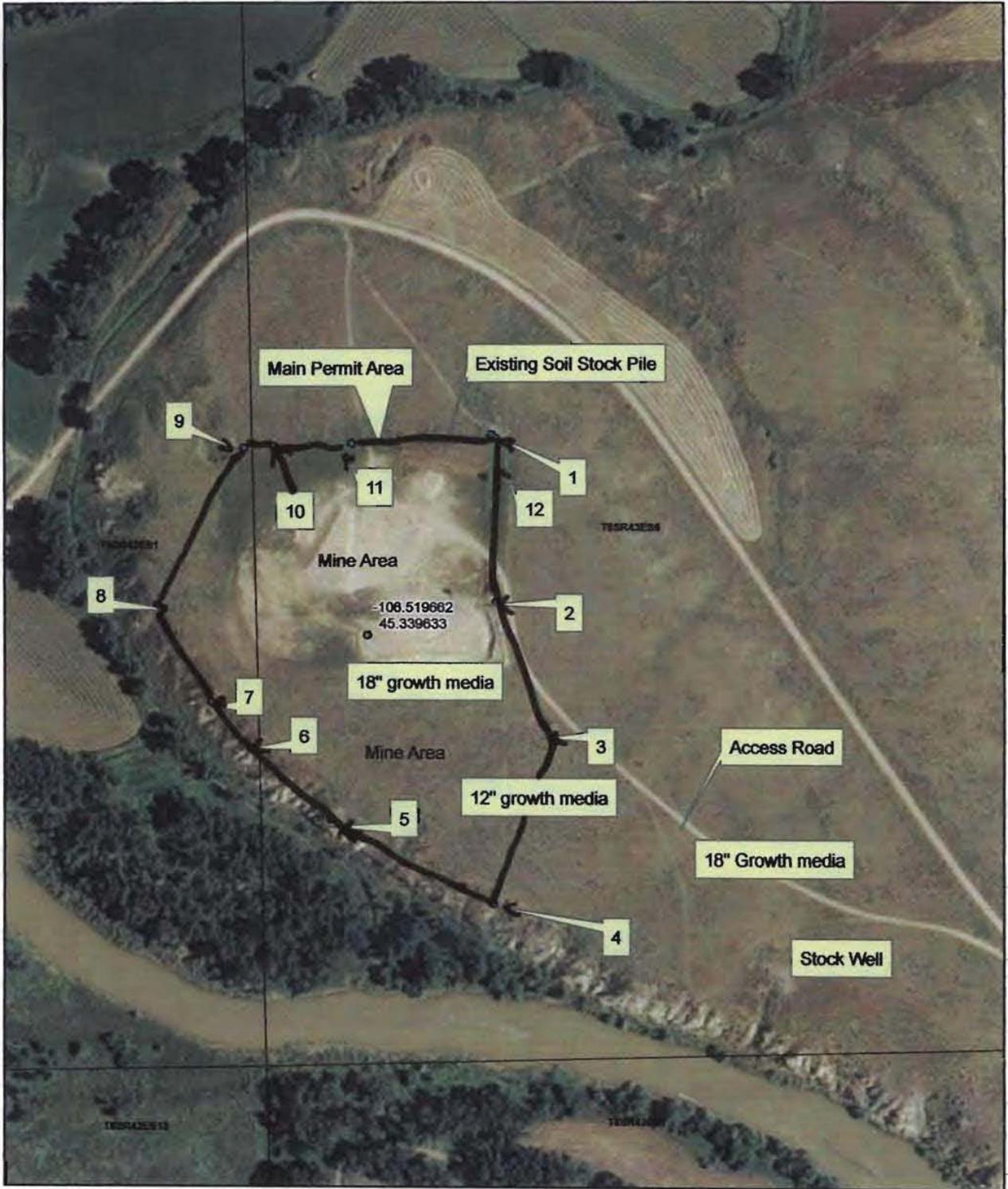
**PRIVATE PROPERTY ASSESSMENT ACT (PPAA) CHECKLIST**

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PPAA?

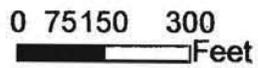
YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically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



1 inch = 300 feet



Rosebud County Road Department - Bunny Pit  
S1 & 6, T 6S & R 42E & 43E

Date 12/6/2012

Site Map

From: [Murdo, Damon](#)  
To: [Gruber, Jana](#)  
Subject: RE: SHPO report request  
Date: Tuesday, July 31, 2012 1:51:09 PM

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Big Sky. Big Land. Big History.  
**Montana**  
**Historical Society**

July 31, 2012

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

RE: ROSEBUD COUNTY ROAD DEPT – BUNNY SITE - PERMIT #969. SHPO Project #: 2012013001

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 no 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 none.
- 3) **Previous disturbance in the area of potential effect**  
Opencut, Pasture/Rangeland.
- 4) **DEQ Gravel Source Inspection Form results**  
None provided.
- 5) **Additional comment or information**  
Based on the lack of inventory and the new 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/2012