

**CHECKLIST ENVIRONMENTAL ASSESSMENT**

**COMPANY NAME:** Decker Coal Company

**Project:** Minor Revision 09-01-03

**OPERATING PERMIT #:** 87001C

**LOCATION:** Pit 16 South T9S, R40E, Section 3 & 4

**County:** Big Horn

**PROPERTY OWNERSHIP:**  Federal  State  Private

**TYPE AND PURPOSE OF ACTION:**

Decker Coal Company (Decker) submitted a request for a minor revision of Permit 87001C: Minor Revision 09-01-03. The request includes a revision to the mining plan in Pit 16 South; proposes a boxcut along the east ends of Cuts 25S through 27S and ties into Cut 28S - D2. This revised cut would be depicted as the "Sinker Cut" on all appropriate permit material. Excavation of the sinker cut would replace construction of approximately 5,800 feet of previously approved ground water dike. In addition to the sinker cut, Decker would construct a new ramp in Pit 16 South (Ramp 1.5).

Most of the spoil from the boxcut would be cast outside of the coal mining area and used as backfill once mining is complete. Overburden and coal removal would be timed with low water levels in the Tongue River Reservoir. Once the D2 coal seam is removed, the open cut would be used to collect ground water in advance of the active mining cuts. Ground water would be pumped to various ponds for treatment prior to discharge.

Ramp 1.5 would be needed for coal removal within the sinker cut and allow for more timely mining of the remaining cuts in Pit 16 South. The proposed ramp would be an extension of Ramp 1 and cut across un-graded spoil.

This EA should be considered an addendum to the EA prepared for Major Revision Application 00182, which was approved on March 10, 2009. Unless otherwise indicated by additional narrative, the environmental issues have not changed and are not further discussed by this EA.

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[Y] There would be a potential for large quantities of ground water to flow from the Tongue River Reservoir into the sinker cut. This water would transport localized parent rock material into the pit. Although the potential for subsurface erosion to reach the reservoir is low, the impact of such an event would be significant. This potential impact could be mitigated by construction of ground water dikes, sheet piling, or placement of other barriers within the ground water aquifer.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[Y] Approximately 5,800 feet of ground water dike would not be constructed. Impacts to the ground water would return to those as addressed in the previous Environmental Impact Statements and Environmental Assessments. There should be no change to the surface water impacts.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[Y] No additional disturbance is proposed and haul distances remain unchanged. The boxcut spoil would increase potential for more airborne particulates given its proposed height above surrounding terrain. Impacts would be minimal.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N]
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial	[N]

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
use of the area by important wildlife, birds or fish?	
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N]
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N]
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[Y] There would be short term visual impacts related to the temporary boxcut spoil pile. These impacts would be insignificant.
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	[N]
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	

<b>IMPACTS ON THE HUMAN POPULATION</b>	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N]
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N]
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N]
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational	[N]

<b>IMPACTS ON THE HUMAN POPULATION</b>	
areas nearby or accessed through this tract? Is there recreational potential within the tract?	
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N]
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[N]
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated persons private property? If not, no further analysis is required.	[N]
23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.	[N]
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. Alternatives Considered:

No Action: The Department would deny an incomplete application or one that does not comply with the Act or Rules. The proponent could then re-submit a modified application.

Approval: The Department would accept the minor revision to the permit: a sinker cut would be excavated, approximately 5,800 feet of ground water dike would not be constructed, and Ramp 1.5 would be installed.

Approval with modification: No approvals with modification are proposed.

26. Public Involvement: No public involvement.

27. Other Governmental Agencies with Jurisdiction: The Office of Surface Mining would be notified of approval of the minor revision and sent update materials for its copies of the permit.

28. Magnitude and Significance of Potential Impacts: Impacts of the entire operation were analyzed in the June 13,

1977 EIS. A draft supplement to the Final EIS was made available January 13, 1982 for Pit 16 North Extensions. The potential for significant impacts associated with this minor revision is very low.

29. Cumulative Effects: No other new activities have been identified in their area.

**Recommendation for Further Environmental Analysis:**

EIS     More Detailed EA     No Further Analysis

**EA Checklist Prepared By:**

Peter Mahrt, PE -- Mining Engineer