

**ENVIRONMENTAL ASSESSMENT FOR MINOR REVISION  
COAL AND URANIUM PROGRAM  
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

COMPANY NAME: Western Energy Company – Area E

DATE: July 9, 2009

OPERATING PERMIT#: 81003E

MR#: 09-03-01E

LOCATION: Area E

Type and Purpose of Action:

The purpose of this MR is to request approval for a change in the spillway design for a pond which will remain after mining. As such the spillway is required BY ARM to pass the 100 yr/24 hr flood without failing. The current spillway and downstream channel continues to erode and does not meet the necessary standard. The proposed design consists of widening the channel and providing riprap protection.

Potential Impacts and Mitigation Measures:

The current channel configuration, while being unstable, has established some positive wildlife habitat. Reconstruction of the channel will likely reduce the downstream wildlife value although some may return after time. Naturally there will be disturbance to the immediate area during construction due to heavy equipment. Erosion and sediment will be controlled though implementing BMPs.

Alternative Actions:

Other approaches for addressing the erosion issue could possibly include removal of the pond itself with the resultant loss of those wildlife values around the pond as well. No practical alternatives appear to exist which would salvage the current downstream wildlife attributes and address the channel stability problems.