CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: Decker Coal Company **Project:** Application #RN7 (2013 Renewal)
OPERATING PERMIT #: C1983007
LOCATION: T9S, R40E, P.M.M., Sections 1, 11, 12, 13, 14, 22, 23, and 24
T9S, R41E, P.M.M., Sections 7, 8, 17, 18, and 19
CITY/TOWN: Decker
COUNTY: Big Horn
PROPERTY OWNERSHIP (surface): [x] Federal [x] State [x] Private
PROPERTY OWNERSHIP (mineral): [x] Federal [x] State [x] Private

TYPE AND PURPOSE OF ACTION:

Decker Coal Company submitted an application for renewal for the East Decker Mine.

In 1977, Decker received a strip,mine permit (SMP 77007, followed by amendments and consolidation into SMP C1983007) to construct, operate, and reclaim the East Decker Coal Mine (East Decker) in Big Horn County, Montana, about 95 miles southeast of Billings. Pre-mining coal reserves were estimated at 210 million tons. The coal is shipped to midwestern markets by train. The expected total production over the life of the mine is about 140 million tons.

The East Decker permit currently allows 3,611 acres of mining disturbance and approximately 750 acres of associated disturbances, such as roads, sediment ponds, railroad spur, and other facilities.

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] Soils: Overburden and interburden in the East Decker Mine area are composed of sedimentary layers of shale, sandstone, siltstone, and clinker. Typical of the landscape in the Northern Great Plains, overburden and interburden materials are of alkaline nature. High accumulations of salts and sodium occur in scattered locations and in various strata. Soil is formed by in-situ weathering of shale, sandstone, siltstone, and clinker, as influenced by the climate and biota of a semi-arid environment. Hilltops and clinker outcrops typically support thin and rocky soil. Drainages can have fairly deep deposits of transported soil particles. Soil texture is variable. Salt- and sodium-affected soils are encountered in scattered locations, sometimes in association with montmorillonitic clay. These characteristics are reflected in the electrical conductivity (EC) and sodium adsorption ratio (SAR) of the soil analysis. In deep alluvial soil with poor drainage, EC tends to be high towards the surface. On well-drained upland settings, salts are normally leached to the B and/or C horizons. The A horizons are generally 2 to 8 inches thick. Total soil depth often exceeds 60 inches but depends on depth to bedrock. This action will not change procedures in the permit; the approved soil salvage and laydown procedures would continue.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface	[Y] Surface Water: East Decker is located within the Coal Creek, Middle Creek and Deer Creek drainages and is directly east of the Tongue River, -

IMPACTS ON THE PHYSICAL ENVIRONMENT	
or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	with Deer Creek to the north and Badger Creek several miles to the south of the mine disturbance boundary. Coal Creek and Middle Creek are considered to be ephemeral drainages, while Deer Creek has intermittent flow in the lower reaches. The Tongue River generally flows in a northeastward direction, and about 110 miles downstream from East Decker it joins with the Yellowstone River. The drainage area of the Tongue River at the Montana-Wyoming state line, a few miles upstream of the Decker mines, is 1,480 square miles (U. S. Geological Survey and Montana Department of State Lands, 1977). Deer Creek, Middle Creek, and Coal Creek have drainage areas of 53.3 square miles, 6.3 square miles, and 2.9 square miles, respectively. Two unnamed ephemeral streams outlet into Deer Creek near the northern permit boundary. Both Coal Creek and Middle Creek have been temporarily diverted in accordance with the existing East Decker mine permit. Stock ponds exist above the diversions in the upper reaches of both Coal Creek and Middle Creek near the southern permit boundary. When the Coal Creek stock pond is filled to capacity, overflow is conveyed to the west by means of a diversion ditch and empties into the southwest pit (Pit 13). As mining progresses, the Coal Creek diversion ditch will be destroyed by pit advancement and a sediment control pond will be used to prevent water from the creek from reaching the Pit 13 highwall. When the Middle Creek stock pond is filled to capacity; overflow is conveyed northeasterly by means of a diversion ditch and eventually outlets into an unnamed ephemeral tributary drainage of Deer Creek. Surface water from runoff and pit dewatering at the East Decker Mine is directed to Pond R-1. This ponded water is currently available for use by livestock and wildlife, although the water would need to be hauled or piped to stock tanks to make it available for livestock use. No permanent stock ponds are currently permitted. A portion of the surface water collected in sediment ponds is used for dust control on the mine site. SEDCAD modeling predicts that all reclaimed drainages in East Decker will yield less sediment postmine than premine. The estimated premine annual sediment yield for Coal Creek is 1.53 ac-ft and for Middle Creek is 3.41 ac-ft. The estimated postmine annual sediment yield for Coal Creek is 0.65 ac-ft and for Middle Creek is 3.09 ac-ft; this is a 57% and 9% reduction in postmine sediment respectively. Similarly, premine and postmine runoff characteristics were modeled for a 2-yr, 24-hr storm. Total runoff in Coal Creek decreased from 32 ac-ft to 16 ac-ft while in Middle Creek total runoff decreased from 76 ac-ft to 57 ac-ft. The peak discharge was also reduced in the postmine model. The reduction in sediment yield and runoff characteristics is a result of changes in basin size, channel length, slope, and curve number. For instance, flatter postmine topography reduces flow velocity which subsequently reduces sediment yield and reduces runoff volumes. The reduction in sediment and water volume will have little impact on downstream users. The mine area covers the confluence of Coal Creek and Middle Creek with the Tongue River, and the contribution of these creeks to the total water in the Tongue River is negligible. Two surface water monitoring sites on the Tongue River have been monitoring water quality upstream and downstream of the Decker Mine since 1978. A comparison of quarterly water quality sampling from 2000 to 2012

IMPACTS ON THE PHYSICAL ENVIRONMENT	
	shows no significant impacts to Tongue River total dissolved solids (TDS) or the sodium adsorption ration (SAR) from the Decker mine. Average TDS upstream of the mine was 441 mg/L with a standard deviation of 166 mg/L while median TDS was 420 mg/L. The average and median SAR was 0.9 with a standard deviation of 0.51. For the same period average and median TDS immediately downstream of the mine and the Tongue River Reservoir was 404 mg/L and 420 mg/L respectively with a standard deviation of 104 mg/L. Average and median SAR was 0.9 with a standard deviation of 0.23. Discharges from sediment ponds exhibit overall elevated values for alkalinity, specific conductivity (SC), SAR and TDS in relation to the water quality of the Tongue River. For example, median TDS and SAR measured between 2000 and 2012 at discharge point ED00289 from East Decker into the Tongue River was 1840 mg/L and 8.6, respectively. Due to the relatively minor amount of water discharged from East Decker in relation to the flow of the Tongue River, and the relatively benign changes found in water quality, downstream impacts in water quality are insignificant. East Decker Mine discharge is permitted under MPDES permit MT0024210. Although water quality discharge from the sediment ponds is greater than the standards established for the Tongue River, the MPDES discharge calculation includes a dilution factor that allows for mixing to meet reservoir water quality standards within a short distance of the discharge point. Discharge samples from the mine are analyzed for a suite of constituents including metals and nutrients. Although no nutrient standards exist for the discharge's receiving water, the Tongue River, effluent limitations for total nitrogen and phosphorus were set in the current MPDES permit. Maximum daily limits for total nitrogen and total phosphorus are 72.91 lb/day and 0.76 lb/day. The monthly average limit for total nitrogen and total phosphorus are 44.54 lb/day and 0.42 lb/day respectively. Since 2011, when the limits were enacted, no water quality sample from discharge point ED00289 has exceeded the maximum daily limit or monthly average limit for nutrients. <u>Groundwater</u>: Groundwater in the Decker area can be found in coal seams, alluvium, clinker, and sandstone. Rapid facies changes cause sandstone and siltstone units to be discontinuous and therefore, they generally are not a reliable water resource. Coal seams are the main geologic units that serve as aquifers in the Decker area. They are typically confined aquifers with variable permeability and hydraulic conductivity, depending upon the amount and direction of fracturing within the seam. Production from wells completed in one or more coal seams in the Decker area ranges from 60 to 10 gallons per minute or less (VanVoast, 1974), with the latter being the more common rate. The only significant alluvial water sources identified in the East Decker area are along Deer Creek and alluvium associated with fluvial processes of the Tongue River. Natural ground-water flow in the coal bed aquifers is principally toward the Tongue River. On the west side of the East Decker pits, ground-water flow is currently reversed from its natural flow direction and is moving from the reservoir toward the dewatered pits and depressions in groundwater levels created by coal bed natural gas production. Natural recharge to the aquifers occurs in uplands outside the mining area. Open pits intercept flow from the upgradient direction north and east of the pits. *Water Quantity* The D1 Upper (Anderson), D1 Lower (Dietz 1), and D2 (Dietz 2) coal seams

are being removed in the mining operation at East Decker. Approximate thickness of the D1 Upper is 25 feet. The D1 Lower and D2 each average less than 20 feet in thickness. Including overburden, interburden, and coal, the total thickness of material removed from East Decker pits during mining is typically between 200 and 300 feet. The D3 (Canyon) coal seam lies approximately 100 feet below the D2 seam and is not being mined. Thickness of the D3 is approximately 20 feet.

A broad area of depressed water levels developed in the D1 Upper, D1 Lower, D2 and D3 aquifers in the area of the East Decker pits due to mining. The areal extent of drawdown at East Decker is mitigated by the proximity of the Tongue River Reservoir to the west and a major northeast-trending normal fault south and east of the pits. The reservoir acts as a constant head boundary and the normal fault forms a no-flow boundary. Southwest of the reservoir, a second normal fault, parallel to and less than 2 miles west of the fault described above, appears to form a no-flow boundary to the west. Drawdown in all aquifers affected by mining at East Decker is mainly concentrated in a northeast-trending zone less than 2 miles wide and approximately 5 miles long bounded by the two normal faults. Drawdown inside this fault block is steep because flow into (recharge) the fault block is restricted.

Groundwater extraction associated with coal bed natural gas (CBNG) production beginning in 1999, increased and significantly exceeded drawdown caused by mining in coal aquifers. Current and future drawdown attributable to mining is projected based on drawdown trends observed prior to the initiation of CBNG production to distinguish the impacts between the two drawdown sources.

Projected drawdown at East Decker Mine assumes progressions of mine operations in pits 13, 14, and 15 through 2017. The 10-foot drawdown limit in the D1 coal, from combined drawdown at both the East Decker and West Decker pits, is anticipated to extend southwest of East Decker approximately 4.5 miles. Northeast of East Decker Pit 14, the 10-foot drawdown limit is projected to extend a half-mile in the D1 Upper and 3 miles in the D1 Lower.

The 10-foot drawdown limit in the D2 coal seam, as in the D1, is combined with drawdown from the West Decker pits to extend southwest of the East Decker pits approximately 4.5 to 5 miles. The 10-foot drawdown limit extends approximately 3.5 miles to the northeast.

The effects of mining on the D3 coal seam are indirect, as it is not physically disturbed by mining. This aquifer has been extensively affected by CBNG production, as over 380 feet of potentiometric head was depleted in the first three years of CBNG production in a well located 16,000 feet southwest of pit 11 at West Decker. Combined with effects from West Decker, ten feet of drawdown is projected to extend to the east third of Pit 13 at East Decker, approximately two miles south of West Decker, two miles west of West Decker and approximately to the north permit boundary of West Decker.

Overburden material spoiled into the pits is slowly resaturating to create a spoils aquifer. Hydraulic properties in the spoils are variable, but they are generally expected to be within or slightly higher than the range of hydraulic properties of the coal seam aquifers. Because mining is advancing upgradient, open pits inhibit the reestablishment of natural ground water flow from the north, east, and south into reclaimed areas of the pits. The current movement of ground water into spoils is largely restricted to inflow from the

Tongue River Reservoir. Resaturated thickness of the spoils aquifer currently ranges between 85 and 110 feet in reclamation in the west part of backfilled Pit 13. Hydrostatic water levels in spoils wells continue to rise at a rate of 2 to 3 feet per year. As only a small amount of groundwater discharge to the Tongue River Reservoir represents the total volume of water in the Tongue River Reservoir, no drawdown impacts to the reservoir from mining are expected.

Water Quality

Water quality is being monitored in the D1 lower, D1 upper, D2, D3, spoil, and alluvial aquifers. Background water quality in the D1 upper, D1 lower, and D2 coal aquifers generally falls into Class II or Class III under Montana standards, with electrical conductivity ranging between 1,000 and 2,500 uS/cm for Class II water and between 2,500 and 15,000 mg/L for Class III water. Groundwater is typically a sodium bicarbonate type, may be high in sulfate and is somewhat variable in quality spatially and temporally. Average total dissolved solids (TDS) concentrations of water quality samples collected from representative wells in the D1 upper, D1 lower, and D2 aquifers are listed in Table 1. Water is marginally suitable for domestic use and meets most livestock water quality criteria. Upgradient water quality in the coal aquifers is not being affected by mining. Monitoring indicates that mining has not caused water quality changes in the D3 aquifer or alluvial aquifers.

Table 1. TDS concentrations in background and upgradient wells at the East Decker Mine.

Well No.	Average TDS (mg/l)	Maximum TDS (mg/l)	Minimum TDS (mg/l)	No. of Samples	Period of Record
D1U					
108274	576	666	502	4	1977 - 1980
117274	2520	3400	2030	34	1980 - 1996
211680	1383	1890	1100	34	1980 - 1996
D1Lr					
108174	1286	1980	432	5	1975 - 1980
117374	2414	3370	2040	34	1980 - 1996
118074	1665	1720	1590	19	1975 - 1996
211980	1357	1720	1140	34	1980 - 1996
238782	2784	4030	1750	28	1982 - 1996
D2					
108074	1770	1980	1670	4	1981 - 1996
211880	1345	1840	1220	34	1979 - 1980
219781	2117	3040	1920	32	1980 - 1996

Due to dissolution of additional minerals on the surfaces of backfill rock, spoil water is generally of poorer quality than background coal groundwater. Spoil wells at East Decker also show spatial and temporal variability in water quality (Table 2). Some spoils wells show a trend over time of increasing TDS, some show a decreasing trend and others show no trend. Average TDS in the spoil wells currently ranges from 1,773 mg/L to 3,170 mg/L, with sulfate, calcium, sodium, and magnesium concentrations generally higher than background coal aquifers. Two wells currently have arsenic and selenium concentrations (0.090 mg/L and 4,070 mg/L, respectively) that exceed water quality standards. These elevated concentrations are found in localized areas of the resaturating spoil within the permit boundary. There

are no likely receptors identified. Continued monitoring will verify the extent and persistence of these trace metals Mitigation will be implemented where required.

Upon completion of mining and restoration of the natural flow direction, upgradient groundwater from the D1 upper, D1 lower, and D2 aquifers will enter the spoils from the north, east, and south, mix with spoil water and eventually discharge into the Tongue River. The slow movement and relatively small contribution of groundwater flowing through the permit area into the Tongue River is not anticipated to cause a significant change in water quality that would interfere with designated uses of the surface water resource. As indicated above in the surface water discussion, there have been no changes in Tongue River water quality between monitoring locations upstream and downstream of the mine. Monitoring will continue through mine reclamation.

Table 2. TDS concentrations in spoil wells at the East Decker Mine.

Spoils Well No.	Average TDS (mg/l)	Maximum TDS (mg/l)	Minimum TDS (mg/l)	No. of Samples	Period of Record
251683	2356	4280	1960	65	1983 - 2012
251583	3222	4070	2460	6	1987 - 2012
222781	767	1950	142	7	1987 - 2012
210980	2202	2710	1550	74	1980 - 2011
210880	1773	2140	1500	6	1987 - 2012
318894	3109	3830	2730	32	1995 - 2012

Affected Wells and Users

No private well, spring, or water right is known to have diminished water quantity or quality due to impacts from mining. No user has been identified as potentially affected by continued mining in the permit area.

Continued mining, implementing the current operational practices at East Decker, is expected to protect the hydrologic balance inside and outside the permit area, prevent material damage outside the permit area and support postmining water uses.

3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[Y] Decker coal obtained an air quality permit from DEQ. Big Horn County is designated as unclassifiable/attainment for the National Ambient Air Quality Standards and Montana Ambient Air Quality Standards. The current permit action would not result in any increase in actual or potential emissions from Decker operations. There would be no additional ambient air quality impacts.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[Y] This permitting action would not change the impact to native vegetative communities. Listed or candidate sensitive species are not present in the general area. Woolly twinpod (*Physaria didymocarpa var.* lanata), Barr's milkvetch (*Astragalus barrii*), and Nuttall desert-parsley (*Lomatium nutallii*) potentially could be found in the East Decker area; however, none have been reported for the intended disturbance area. No rare vegetative cover types are present in the disturbance area.
5. TERRESTRIAL, AVIAN AND	[Y] The East Decker area consists of the disturbed area, reclaimed areas and

IMPACTS ON THE PHYSICAL ENVIRONMENT	
AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	undisturbed native habitats. Most of the native habitats consist of gently rolling topography bisected by low gradient, incised drainages. A variety of grassland and sage/grassland types are the primary vegetative types found within the native habitats. Mule deer and pronghorn antelope are frequently observed using these habitats. Upland game birds (sage grouse and sharp-tailed grouse), a variety of landbirds, and several small mammals are known to utilize these habitats on and adjacent to the East Decker Mine. Red-tailed hawks, turkey vultures, northern harriers and kestrels are often observed foraging within these habitats. The northern harrier may also nest in these habitats. The broken, badlands topography located in the southeastern corner of the permit area provides additional habitat diversity. The broken topography provides secure habitat for mule deer. The addition of Rocky Mountain juniper and ponderosa pine provides necessary habitat components for a number of landbirds that are not found in the less structurally diverse sagebrush/grasslands. Cottonwood/willow riparian habitats are found adjacent to the Tongue River and the Tongue River Reservoir. Compared to other habitats in the area, the cottonwood/willow riparian habitats have increased vegetative and structural diversity resulting in use by a greater diversity of wildlife species. In addition to the white-tailed deer and wild turkey, a number of landbird and small mammal species not normally found in the grassland and sage/grassland types frequent the riparian areas. The large cottonwoods provide suitable habitat for great blue heron and double-crested cormorant rookeries. Osprey nest along the reservoir on suitable snags, power poles, etc. Decker Coal Company has established artificial nesting structures to encourage additional nesting by osprey. A variety of waterfowl and shorebirds use the shoreline habitats associated with the Tongue River Reservoir. Some waterfowl nesting occurs in the upland habitats adjacent to the reservoir and the sediment ponds located in the permit area.
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?	[Y] The only threatened or endangered species that has been observed at the East Decker site since the initiation of the baseline wildlife studies in 1974 is the bald eagle. Bald eagles are relatively common in the Decker area during the spring and fall migrations. During the winter, bald eagles are often observed foraging on road- and winter-kill animals. No nesting territories are known to exist within the immediate area of the East Decker Mine.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] No additional sites will be affected due to the renewal.
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?	[N] Although the Decker Coal Mine is adjacent to the Tongue River Reservoir; populated areas are limited to a few ranches and small tracts with homes outside the permit area. The mine is visible from state highway 314; however, traffic is minimal and Decker Coal actively works to advance reclamation and minimize the surface area under mining.
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use	[Y] See section 10 below.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
resources that are limited in the area? Are there other activities nearby that will affect the project?	
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[Y] The Tongue River Reservoir Recreation Area, livestock production, and coal bed natural gas (CBNG) development are other activities in the vicinity with potential to affect the project. The recreation area and livestock operations are maintained with the current mining. Both the mine and CBNG developers are using the coal resource. The mine would not affect the CBNG project(s) in the area; however, due to discharge of large volumes of water, CBNG poses a significant impact to the mine as recharge to groundwater aquifers, including spoil aquifers, will be significantly slowed. The Montana DEQ Water Protection Bureau has addressed CBNG development in an EA for the Tongue River Project proposed by Fidelity Exploration and Production Company.

IMPACTS ON THE HUMAN POPULATION	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] Heavy equipment, trucks, loaders, and blasting create hazards; however, the operator must comply with all MSHA and OSHA regulations. The operator currently utilizes proper precautions to enhance safety and would continue in the best interest of its employees. Continuation of the existing approved operations would not affect human health above existing conditions.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[Y] Historically, the area within the mine area included pastureland and grazing land. The final reclamation plan is designed to return the area to its previous use, with equal to or greater vegetation production than premining. There would, however, be a short-term loss of vegetative production during mining and reclamation of the area.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] The operation would continue at the existing levels of employment.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] The operation would continue at currently approved rate of production. Thus, there would be no creation or elimination of tax revenue; just, a continuation of the existing revenues.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] Traffic would not increase and demands on local and state services are projected to remain the same.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[Y] There are multi-resource BLM management plans for the area. Lease agreements between Decker Coal and the BLM and State of Montana for mining of the coal in this area remain current.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational	[N] There are no wilderness areas near or within the project area. The Tongue River Reservoir and state park are adjacent to the mine area; however, no significant impacts are expected from the projected activity.

IMPACTS ON THE HUMAN POPULATION	
potential within the tract?	
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N] The project would not significantly affect any populated area. Neither population increase nor residential decrease would be incurred by approving the project.
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] There are no known native or traditional lifestyle issues in the area. While there are known to be species of plants with traditional Native American utilization, none of them are unique occurrences.
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/A] The Department has a level of discretion in its permitting decision.
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. Alternatives Considered:

No Action: Under the "No Action" alternative, DEQ would deny the renewal of the permit. A reclamation schedule would need to be agreed upon.

Approval: Decker would continue with the current mine plan.

Approval with modification: No modifications to the renewal application are proposed.

26. Public Involvement: Public Notice of the Renewal application was published in the Sheridan Press of Sheridan,

Wyoming by Decker Coal Company on February 12, 19, 26 and March 5, 2013 the four consecutive weeks required under ARM 17.24.401(3). A 30-day public comment period followed the final date of publication and ended on April 4, 2013. One comment letter was received by the DEQ. Notice of availability of this Environmental Assessment will be published in the Sheridan County Press and Big Horn County News beginning May 30, 2013, for two consecutive weeks. The public may comment on this EA through June 10, 2013 (this comment period coincides with that of the Notice of Acceptability).

27. Cumulative Effects: No other new activities have been identified in the area.

Recommendation for Further Environmental Analysis:

[ ] EIS [ ] More Detailed EA [X] No Further Analysis

EA Checklist Prepared By:

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