EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Spring Creek Coal LLC
PO Box 67 Lakeshore Drive
Decker, MT 59025

2. Type of action: Application for Beneficial Water Use Permit
42B 30065135

3. Water source name: Unnamed Tributary to Tongue River Reservoir

4. Location affected by project: Spring Creek Coal mine within permit boundaries, generally located in T8S, R39E, T8S, R40E and T9S, R40E in Big Horn County, Montana

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: This application is to divert 2 CFS up to 684 AF of water from Spring Creek Coal's dewatering pit to use for dust suppression and industrial purposes throughout the mine. The dust suppression water is used to meet MT DEQ air quality requirements. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)
Montana Department of Environmental Quality Website – TMDL 303d Listing
Montana National Heritage Program Website – Species of Concern
United States Fish and Wildlife Website – National Wetland Inventory
Montana Department of Fish Wildlife and Parks – Dewatering Concern Areas

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No Impact

The unnamed tributary to Tongue River Reservoir is not identified as chronically or periodically dewatered stream by DFWP.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No Impact

The unnamed tributary to Tongue River Reservoir is not identified as water quality impaired or threatened by DEQ.

Groundwater *- Assess if the proposed project impacts ground water quality or supply.*
If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No Impact

This application includes only surface water from an unnamed tributary to Tongue River Reservoir.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No Impact

Proposed diversion will be a floating pump in an existing mine water discharge pond. No changes in stream channel or riparian areas are anticipated.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No Impact

The Montana Natural Heritage Program has identified the following species of concern within the project area:
Animals

Townsend's Big-eared Bat, Black-tailed Prairie Dog, Golden Eagle, Great Blue Heron, Burrowing Owl, Greater Sage-Grouse, Yellow-billed Cuckoo, Pinyon Jay, Loggerhead Shrike, Sage Thrasher, Brewer's Sparrow, Spiny Softshell, Snapping Turtle, Wester Hog-nosed Snake, Milksnake, Greater Short-horned Lizard, Plains Spadefoot and Sauger. Potential Species of Concern within the project area include: Porcupine, Short-eared Owl, Eastern Screech-Owl, Hooded Merganser, Common Poorwill, Bald Eagle, Brassy Minnow and Creek Chub.
Plants
Barr's Milkvetch, Woolly Twinpod, and Nuttall Desert-parsley

The area involved with this project has been actively mined for decades. There should be no new impacts to Endangered or Threatened species due to this new use of water. Water will be used for dust suppression which should benefit the above species by improving air quality.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No Impact

There are no wetlands within the project area.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No Impact

The source of water is mine dewatering discharge; there should be no impact to existing wildlife, waterfowl, or fisheries.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No Impact

There will be no new soil disturbance or degradation due to this proposed use of water.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Impact

The proposed point of diversion and place of use are within an active coal mining site. It is expected that the Spring Creek Coal mine will take an active role in prevention of the establishment and spread of noxious weeds.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Impact

The purpose of this water use is, in part, to suppress dust. The use of this water should improve air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: Low likelihood of Impact

This project not located on State or Federal Lands. Therefore this section is not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Impacts not already assessed.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No Impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Impact

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No Impact

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes___ No_X__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No Impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None

(b) *Local and state tax base and tax revenues?* None

(c) *Existing land uses?* None

(d) *Quantity and distribution of employment?* None

(e) *Distribution and density of population and housing?* None

(f) *Demands for government services?* None

(g) *Industrial and commercial activity?* None

(h) *Utilities?* None

(i) *Transportation?* None

(j) *Safety?* None

(k) *Other appropriate social and economic circumstances?* None

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts None identified

Cumulative Impacts None identified

3. ***Describe any mitigation/stipulation measures:*** None identified

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** This water is for dust suppression and vehicle washing at the Spring Creek Coal mine near Decker, MT. Dust suppression is needed to improve air quality within the mine area. The no action alternative would not allow Spring Creek Coal to use this water for dust suppression and improving air quality.

PART III. Conclusion

1. ***Preferred Alternative*** Allow the use of water dust suppression and vehicle washing.

2 ***Comments and Responses*** None

3. ***Finding:***

Yes___ No_X__ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of analysis for this proposed action because no significant impacts have been identified as a result of the proposed action.

Name of person(s) responsible for preparation of EA:

Name: Christine Smith
Title: Water Resources Specialist
Date: May 31, 2013