

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 30070360
3. Water source name: South Fork Spring Creek
4. Location affected by project: Section 21 T8S, R39E
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from South Fork Spring Creek, by means of a dam and onstream reservoir, from January 1 through December 31 up to 251 AF, from a point in the SE Section 21 T8S R39E, Big Horn County, for industrial use from January 1 through December 31. The place of use is generally located Section 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 T8S R39E, Section 19, 29, 30, 31, 32 T8S R40E, Section 6 T9S R40E, Section 3, 4, 9, 10, 15, 16, 21, 22, 28, 29, 32, and 33 T9S R39E and Section 1 T10S R38E. The Applicant proposes a storage reservoir with design volume of 232.32 AF located in the SE Section 21, T8S R39E, Big Horn County. The Applicant has built the dam and reservoir as flood control necessary to ongoing mining operations. The application is only for the beneficial use of the water impounded. 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 Fish, Wildlife, and Parks  
Montana Department of Environmental Quality  
United States Fish and Wildlife Service  
Montana Natural Heritage Program  
United States Department of Agriculture, National Resource Conservation Service

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

## **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** – South Fork Spring Creek is not identified as a chronically or periodically dewatered stream by the Department of Fish, Wildlife, and Parks. The creek is ephemeral or intermittent flowing only during snow melt and precipitation events. The Spring Creek Mine will impound water from this creek as part of flood control under their mining permit regardless of whether or not they have a beneficial use permit.

*Determination:* No Impact

**Water quality** – South Fork Spring Creek is not listed as water quality impaired or threatened by the Montana Department of Environmental Quality. The construction of a dam and use of the water for industrial purposes will not impact the water quality. Discharge of water used on the mine site is regulated under the mining permit.

*Determination:* No Impact

**Groundwater** – The proposed project does not involve groundwater and will not affect the quality or quantity of groundwater.

*Determination:* No Impact.

**DIVERSION WORKS** – The Applicant has a dam on South Fork Spring Creek and impounds all water that comes down the creek as flood control for the mine. Because the dam has been constructed under the Spring Creek mine permit, the beneficial use permit will not add any impact. The beneficial use of water from the proposed reservoir would be by truck mounted mobile pumps with little to no impact.

*Determination:* No Impact.

## **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** – According to the Montana Natural Heritage Program, twelve species of animal were listed as sensitive by either the United States Forest Service or the United States Bureau of Land Management. This included the Townsends Big-eared Bat, the Black-tailed Prairie Dog, the Golden Eagle, the Burrowing Owl, the Greater Sage Grouse, the Loggerhead Shrike, the Sage Thrasher, the Brewer's Sparrow, the Plains Spadefoot, the Plains Hog-nosed Snake, the Western Milksnake, and the Greater Short-horned Lizard. As of 12/30/2014 there are two listed plant species of concern in the potentially impacted area. These are the Barr's Milkvetch and the Woolly Twinpod. The project would not generally impact habitat and the creation of a year-round water source and associated riparian habitat would likely be beneficial to all wildlife.

*Determination:* No Impact.

**Wetlands** – There are no wetlands in the area of the project with the notable exception of the Tongue River Reservoir. This project would add an open water body and support adjacent riparian growth and potential wetlands.

*Determination:* No Impact.

**Ponds** – The creation of a reservoir on South Fork Spring Creek would provide a year-round source of water for wildlife. There are no plans to stock the reservoir or to release water from the reservoir. There are no fisheries in Pearson Creek due to its ephemeral character.

*Determination:* No Impact.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** – The primary soil type in the project area is Thurlow – Midway silty clay loam or Shale outcrop. The soil is non-saline, well drained and dominantly composed of clay and silty clay loam. Slopes in the area can be significant. The creation of a dam on South Fork Spring Creek and reservoir will not cause saline seep or decrease soil stability. Soil moisture may increase adjacent to the reservoir due to seepage.

*Determination:* No Impact.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** – The current vegetative cover in the area is limited due to arid climate. There are scrub Junipers, some riparian grasses and dryland prairie grass. The proposed project would remove some vegetation in the area of the reservoir and flood a portion of the creek channel. The equipment necessary to construct the dam could introduce or spread noxious weeds. It will be the responsibility of the land owner to monitor and control noxious weeds.

*Determination:* No Impact.

**AIR QUALITY** – The impoundment of water in the proposed reservoir has no potential to impact air quality. There may be dust in the air during construction of the reservoir but one of the proposed uses of the water is dust suppression.

*Determination:* No Impact.

**HISTORICAL AND ARCHEOLOGICAL SITES** – This project is not located on State or Federal Lands.

*Determination:* Not Applicable.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** – Because of the proximity of this reservoir to the place of use, the mine will use less energy pumping water from this reservoir than they currently use pumping from the Tongue River Reservoir.

*Determination:* No Impact.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - There are no known local environmental plans and goals. The mine is governed by a State of Montana mining permit that addresses reclamation and environmental requirements.

*Determination:* No Impact.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - The proposed reservoir is not served by any public roads and is not a designated wilderness or recreational site. The Tongue River Reservoir is only a few miles to the east but no access to the reservoir crosses the project area and the creation of a reservoir on South Fork Spring Creek would not alter the quality of local recreation.

*Determination:* No Impact.

**HUMAN HEALTH** - There are no predicted 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:* Not Applicable.

**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? No Significant Impact.
- (b) Local and state tax base and tax revenues? No Significant Impact.
- (c) Existing land uses? No Significant Impact.
- (d) Quantity and distribution of employment? No Significant Impact.
- (e) Distribution and density of population and housing? No Significant Impact.
- (f) Demands for government services? No Significant Impact.
- (g) Industrial and commercial activity? No Significant Impact.
- (h) Utilities? No Significant Impact.
- (i) Transportation? No Significant Impact.
- (j) Safety? No Significant Impact.

(k) Other appropriate social and economic circumstances? No Significant Impact.

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

Secondary Impacts: No secondary impacts resulting from the creation of an onstream reservoir on South Fork Spring Creek are recognized.

Cumulative Impacts: Spring Creek Coal LLC has four other beneficial water use applications pending at present. They also have a change authorization pending. All of these applications are to use beneficially the water that they will have to impound as part of mining operations. The total cumulative impact of granting all of the applications would only be to allow the mine to save on energy costs associated with pumping. Granting or denying the applications for beneficial water use will not change the fact that the reservoirs will be constructed.

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

**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:** The only alternative to the project as proposed is the no action alternative. The no-action alternative would only preclude the applicant from using the water impounded in the dams they will construct as part of their mining operations. The no-action alternative would prevent the applicant from acquiring a dependable water source and saving energy costs associated with pumping water.

**PART III. Conclusion**

**1. Preferred Alternative:** Issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

**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 environmental assessment is the appropriate level of analysis for this proposed action because no significant impacts were indicated.

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

Name: Mark Elison

Title: Hydrologist/Specialist

Date: 2/2/2015