

17.24.306 Baseline Information: Prime Farmland Investigation

(1) Results of Prime Farmland Investigation:

SCCC has reviewed the soil map for the Spring Creek Coal Field in Big Horn County. There are no soils in this area that meet criteria for prime farmland unless they have a developed irrigation system. A letter from the SCS, dated June 29, 1978, confirms this fact (copy included as Figure 15, Volume 1). A letter from the NRCS, dated August 24, 1998, confirms the lack of prime farmland on the CAA (copy included as Exhibit A-1-1 of Appendix A-1, Soils and Overburden Baseline, Carbone Amendment Area). Another determination has been made for lands included in future mining expansions. A letter from the NRCS, dated April 6, 2006 (included as Section 306 Attachment A), states that prime farmland is not present unless an irrigation system has been developed. This investigation included lands within:

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| • Township 9 South, Range 39 East | Sections 1 Through 5
Sections 8 Through 17 |
| • Township 9 South, Range 40 East | Sections 2 Through 11
Sections 14 Through 18 |
| • Township 8 South, Range 39 East | All Sections |
| • Township 8 South, Range 40 East | Sections 5 Through 8
Sections 16 Through 22
Sections 26 Through 35 |

(2) Lands Historically Not Used for Cropland

If expansion lands in question have not been historically used for cropland as defined in Section 17.24.301, SCCC will submit a request for a negative determination with supporting documentation

(3) Lands Historically Used for Cropland

If expansion lands in question have been historically used for cropland, SCCC, in consultation with the Montana state office of the U.S. Natural Resources Conservation Service, will determine if any soils, characterized and described in accordance with Section 17.24.304(1)(k), on these lands meet the criteria of prime farmlands as contained in 7 CFR 657.

(a) Positive Identification of Prime Farmlands

SCCC will, in the event a determination of the existence of prime farmlands is made from the soil survey within the proposed permit area, provide to the Department justification for this determination and will include application materials demonstrating compliance with Section 17.24.324

(b) Negative Identification of Prime Farmlands

SCCC will, in the event the soil survey for lands within the proposed permit area does not identify soils meeting the criteria for prime farmland designation, submit a request with supporting documentation for negative determination of these lands.