

Tongue River Water Users Association  
3 Circle Ranch  
PO BOX 517  
Birney, MT 59012

April 23, 2020

Todd Parfitt, Director &  
Alan Edwards, Deputy Director  
Wyoming Department of Environmental Quality  
200 WEST 17th STREET  
Cheyenne, WY 82002

RE: Brook Mine Revised Draft Permit Application

Dear Director Parfitt and Deputy Administrator Edwards,

The Tongue River Water Users Association is aware of the draft permit application received by your office for the proposed Brook Mine. In the review of the permit application for this project, the Tongue River Water Users Association (TRWUA) is extremely concerned with the project's water use, availability, and impacts to water quality.

The Tongue River Water Users Association (Association) is tasked with the operation, maintenance and management of the Tongue River Reservoir (Reservoir) in the State of Montana. Of great concern is the proposed project's potential to further degrade water quality in the watershed with unknown consequences to the quality of water in the Reservoir which is located near the Montana/Wyoming border. Specifically, the Reservoir has already experienced the detrimental impacts of coal mining activities, as well as coal bed methane development further upstream. These impacts are measurable and have been documented through the years by the Association, especially for salinity and measurements of electrical conductivity (EC) and specific conductance (SC). Thus, the Association is asserting that the analysis for this project quantify cumulative effects on a watershed scale, within the Tongue River basin. As there are existing discharge permits for mineral development activities in both Montana and Wyoming, a broader and more cumulative effects analysis is essential to complete for both the near-term (5-10 years) and long-term (15-30 years).

Another issue concerns the source, quantity, and availability of water for the proposed water uses in this project. It is particularly troubling that almost 88% of water required for the project (266,900 gpd) is proposed to be met with surface water rights that are not guaranteed. Further, if the water is sourced from the surface water rights of Wyoming under the Yellowstone River Compact, the permit application does not explain how water use activities (dust abatement, etc.) will be maintained in water-short years. In such circumstances, senior water right holders in Montana along the Tongue River will make calls on Wyoming for water. If that is the case, the permit application and project proponent needs to outline how and when they will respond in water-short conditions to meet their water use activities associated with their project.

The Association consists of many local ranchers and irrigators who make their livelihood on the land and depend on good quality water for successful crop yield and growth. We urge the Wyoming DEQ to reconsider the impacts associated with water availability/use and water quality this project may have on other uses within the Tongue River watershed, particularly agricultural uses within the watershed that have senior water rights and are downstream of the proposed project site.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shanara Spang Gion". The signature is fluid and cursive, with the first name being the most prominent.

Shanara Spang Gion, Secretary, Tongue River Water Users Association  
On Behalf Of  
Art Hayes Jr., President  
Tongue River Water Users Association