

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: **BAR Z RANCH INC, JOHN & TERRI HANSON
122 BIRCH CREEK RD
WHITE SULPHUR SPRINGS, MT 59645**
2. Type of action: **Application to Change an Existing Irrigation Water Right Nos. 41J 30116553 and 30116554 (Statement of Claim Nos. 41J 198908 and 198907, respectively).**
3. Water source name: **Little Sheep Creek and Coon Creek (respectively)**
4. Location affected by project: **Sec 24 & 25, Twp 12N, Rge 6E and Sec 19 & 30, Twp 12N, Rge 7E, all in Meagher Co**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicants propose to change Statement of Claim No. 41J 198908-00 by adding two places of use, a place of storage, and two purposes: marketing for mitigation and mitigation. An additional diversion from Sheep Creek will allow water to be stored in a 291.9 acre-foot (AF) off-stream reservoir for use later in the year. Applicants propose to change Statement of Claim No. 41J 198907-00 by adding a place of use and purpose of marketing for mitigation. The current points of diversion and places of use for each irrigation right are proposed to be retained with the new additions. The irrigation purpose for each claim is proposed to be used, as it is currently being used, unless the right is needed to mitigate surface water depletions from beneficial groundwater use associated with the Black Butte Copper project. If the water is being marketed for mitigation, irrigation of the right(s) being used will cease. When 41J 198907 is mitigating surface water impacts instead of being used for irrigation, the Applicants propose to store water from 41J 198908 and release it into Sheep Creek later in the year to replicate historically accrued return flows. These two change applications are being filed in conjunction with two permits and four other changes related to water use for the proposed copper mine northwest of White Sulphur Springs in Meagher County.

This Environmental Assessment (EA) is meant to supplement the Environmental Impact Statement (EIS) prepared by the Montana Department of Environmental Quality (DEQ) for the Black Butte Copper Mine Project. This EA includes information more specific to the proposed historical water right change applications. Relevant sections of the EIS are incorporated into this EA by reference.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

DEQ – Black Butte Copper Project EIS
DEQ Website – Clean Water Act Information Center
Montana Fish, Wildlife & Parks – Dewatered Streams Website
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
USDI Fish & Wildlife Service – Wetlands Online Mapper
USDA Natural Resources Conservation Service – Web Soil Survey

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 Significant Impact.**

The sources of water associated with these changes are Little Sheep Creek and an Unnamed Tributary of Sheep Creek known as “Coon Creek.” Both are tributaries of Sheep Creek. Per the Department of Montana Fish, Wildlife & Parks (DFWP) Dewatered Streams website, Little Sheep and Coon Creeks are not identified as dewatered. Sheep Creek is identified as being periodically dewatered.

It is not anticipated that the proposed changes will worsen the condition of the sources. The beneficial use associated with the water rights being changed is flood irrigation. Marketing for mitigation is proposed to be added to the Coon Creek right (41J 198907), while both marketing for mitigation and mitigation are proposed to be added to the Little Sheep Creek right (41J 198908). Generally speaking, the proposed mitigation plan includes a two-year rotation schedule primarily involving two upstream water rights owned by a neighboring land owner. The two water rights described in this EA will be sparingly used for mitigation purposes. Use of the two upstream irrigation rights, along with other irrigation rights proposed to be changed, will vary yearly depending on the amount of water needed due to spring runoff amounts. On years when the water rights are marketed for mitigation or used for mitigation, no irrigation will occur. Instead, water will be left instream during the irrigation season. Little Sheep Creek water will also be diverted from Sheep Creek into an off-stream reservoir, known as the Non-Contact Water Reservoir (NCWR), for later use as mitigation water to mimic historical return flows. During years when the irrigation rights are not marketed for mitigation or used for mitigation, irrigation will continue to occur as it has historically occurred. It is anticipated that the Department may apply conditions to the water right change applications to help ensure that the Applicant does exceed each irrigation water rights’ historical usage.

Impacts related to surface water quantity and mitigation are discussed in Section 3.5 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

***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 Significant Impact.**

The DEQ Clean Water Act website does not list Little Sheep or Coon Creeks as impaired or threatened. The website lists Sheep Creek (headwaters to mouth (Smith River)) as not fully supporting primary contact recreation or aquatic life. The website does not list the stream as threatened and shows Sheep Creek supports drinking water and agriculture use. There is a low likelihood that water quality will be adversely affected as a result of either continued irrigation or ceasing irrigation to accommodate the proposed additional uses.

Impacts related to surface water quality are discussed in Section 3.5 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

***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 Significant Impact.**

The proposed changes should not have a significant impact on groundwater quality or supply. The water rights involved in the proposed changes divert surface water from Little Sheep Creek and Coon Creek for flood irrigation. When the rights are not used for irrigation, water will be left instream and diverted to the NCWR for marketing for mitigation and mitigation uses.

Impacts from the mine's groundwater appropriation are discussed in Section 3.4 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

***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 Significant Impact.**

It is not expected that the proposed change will have a significant impact on the stream channels, riparian areas, or stream flows. As explained above, the irrigation purpose for each water right is proposed to be used, as it is currently used, unless the right is needed to mitigate surface water depletions from beneficial groundwater use associated with the Black Butte Copper project. If the rights are being used for marketing for mitigation and mitigation, a wet well and intake pipe are proposed to divert water from Sheep Creek to the NCWR for temporary water storage. The wet well is an enclosed 8-foot diameter concrete manhole which is connected to the reservoir by a 20-inch buried pipe. The 22-inch intake pipe for the wet well will extend approximately 10-15 feet into Sheep Creek and be placed on the streambed. The intake pipe will be equipped with a fish screen. Only the

pipeline extends into the source and is not anticipated that the proposed wet well structure will have a significant impact on stream channels, riparian areas, or stream flows. The infrastructure used to store water with this system is temporary but is proposed to help mitigate effects for 20 years after mine operations have ceased. It is anticipated that the Department may apply conditions to the water right change applications to help ensure that the Applicant does exceed each irrigation water rights' historical usage.

Impacts related to diversion works are discussed in Section 3.5 of the Black Butte Copper Project EIS, which are incorporated into this EA by reference. The NCWR is only involved in these two proposed water right change applications for the added marketing for mitigation and mitigation purposes.

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 Significant Impact.**

As of December 2019, the United States Department of Interior Fish and Wildlife Service lists the following species as threatened in Meagher Co: Grizzly Bear and Canada Lynx. The Wolverine is listed as proposed and Whitebark Pine is listed as a candidate species.

Since these changes are associated with ground that has been previously disturbed by past agriculture practices and the proposed changes, if authorized, would simply cease irrigation, there is a low likelihood of impact to threatened species or species of concern because of these change proposals.

The proposed project is not located in general sage grouse habitat therefore the Applicant does not have to consult with the Sage Grouse Habitat Conservation Program or obtain a letter regarding the consultation.

DEQ consulted the appropriate state and federal fish and wildlife agencies and reports in preparation of its analysis of potential impacts to fish, wildlife, plants, aquatic species, and specials of special concern for its Black Butte Copper Project EIS. Impacts related to threatened or endangered fish, wildlife, plants or aquatic species or any species of special concern are discussed in Sections 3.13, 3.15, and 3.16 of the Black Butte Copper Project EIS and are incorporated into this EA by reference.

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 Significant Impact.**

The acreage involved in this application has been previously irrigated and therefore, wetlands should not be impacted within the historic fields. The USDI Fish & Wildlife Service – Wetlands Online Mapper shows Freshwater Emergent throughout the historically irrigated fields. The website also shows Freshwater Forested/Shrub Wetland types adjacent to stream channels in the area. These wetland types are generally only flooded for short periods and effects from construction of the wet well and pipeline should be temporary. The irrigation infrastructure is already in place so no impacts are expected when the rights are being used for irrigation, their historical purpose.

Impacts related to Wetlands are discussed in Section 3.14 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

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

Determination: **No Significant Impact.**

As explained above, these two water right changes are being filed in conjunction with four other change applications and two permits related to water use for the proposed copper mine. One of the permit applications is being filed to divert high spring flows from Sheep Creek and temporarily store water for later use as mitigation water to offset surface water depletions resulting from the proposed groundwater permit for the mine. High spring flows are proposed to be diverted from Sheep Creek and temporarily stored for later use in an off-stream reservoir known as the Non-Contact Water Reservoir (NCWR). The NCWR is located on an unnamed tributary of Little Sheep Creek, which is a tributary of Sheep Creek. Some water associated with the four water right changes will be stored in the NCWR, and the water released from temporary storage at a later time.

A wet well and intake pipe are proposed to divert water from Sheep Creek to the NCWR. The wet well is an enclosed 8-foot diameter concrete manhole which is connected to the reservoir by a 20-inch buried pipe. The 22-inch intake pipe for the wet well will extend approximately 10-15 feet into Sheep Creek and be placed on the streambed. The intake pipe will be equipped with a fish screen. The purpose of the NCWR is for temporary storage of high spring flows, marketed water, and mitigation water. The reservoir will not be used for any other mine processes. The reservoir is designed so that any water that drains toward it will be diverted around the reservoir and back into the natural drainage below it. The reservoir impoundment will inundate 15.7 acres and may benefit some species by providing access to stored water, however it may also temporarily displace some wildlife species for up to 20 years after the life of the mine. No significant adverse impacts to wildlife, waterfowl, or fisheries is anticipated because of this off-stream reservoir.

Impacts related to NCWR are discussed in Section 3.5 of the Black Butte Copper Project EIS.

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 Significant Impact.**

No significant impacts to the soil profile are anticipated. The predominant soil types are Medicinelodge-Adel-Mooseflat complex, 4 to 15 percent slopes and Mooseflat-Foxgulch-Redfish families, complex, 2 to 12 percent slopes occasionally flooded. The Sodium Adsorption Ratio for the Medicinelodge-Adel-Mooseflat complex is nonsaline.

The acreage involved in these change applications has been previously developed for irrigation and irrigation practices are not proposed to be changed. Assuming proper construction techniques are utilized, the wet well, pipeline, and NCWR should not negatively impact soil quality, stability, or moisture content.

Impacts related to Geology are discussed in Section 3.6 of the Black Butte Copper Project EIS. Impacts related to Soils are discussed in Section 3.10. Both sections are incorporated into this EA by reference.

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 Significant Impact.**

According to their priority dates, the water right stream diversions and conveyance ditches already exist and have been in use for over one hundred and fifteen years. The irrigation infrastructure is not proposed to be changed since the fields involved in the change applications will continue to be irrigated, as they have historically been, unless the rights are being used for marketing for mitigation or mitigation, in which case the irrigation will simply cease for that season. No further disturbance to vegetation cover is expected involving the continued historic use of the involved water rights. There could be vegetative disturbances from installation of the wet well, pipeline, and NCWR however they are expected to be short-lived. It is the responsibility of the property owner to control noxious weeds on their property.

Impacts related to Vegetation are discussed in Section 3.13 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

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

Determination: **No Significant Impact.**

The historical use of the underlying water rights involved in the proposed change applications is flood irrigation. During years when the rights will be used for marketing for mitigation or mitigation, some water will be left instream. Some water may also be

diverted to the NCWR so it can be returned gradually to Sheep Creek during the non-irrigation season to mimic historic return flows or can be used to remedy surface water impacts from the mine deletions. An electric motor will power the pumps in both the wet well and the NCWR. No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal.

Impacts related to Air Quality are discussed in Section 3.2 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

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: **N/A - Project not located on State or Federal Lands**

Impacts related to Cultural Resources are discussed in Section 3.3 of the Black Butte Copper Project EIS, which is incorporated into this EA by reference.

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 Significant Impact.**

No additional impacts are anticipated.

<h2>HUMAN ENVIRONMENT</h2>

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

Determination: **No Significant Impact.**

The Department is unaware of any locally adopted environmental plans or goals.

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 Significant Impact.**

The proposal should not negatively impact recreational activities in the area.

Impacts related to Land Use and Recreation are discussed in Section 3.7 of the Black Butte Copper Project EIS and is incorporated into this EA by reference.

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

Determination: **No Significant Impact.**

No impacts to human health have been identified. Each year, the Applicant will determine if the water rights proposed to be changed in this proceeding will either be used to irrigate or for marketing for mitigation and mitigation uses. If used for irrigation, then their use will not change from that which was historically done. If used for marketing for mitigation and mitigation, water will remain instream or temporarily stored in the NCWR then returned to Sheep Creek to mimic historical return flows which returned to the stream after the irrigation season. Since electric pumps will be used to transfer surface water from Sheep Creek to and from the NCWR, and the NCWR is not being used for any other mine processes, impacts to human health is not anticipated.

Impacts related to Socioeconomics, including health and quality of life, are discussed in Section 3.9 of the Black Butte Copper Project EIS and is incorporated into this EA by reference.

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 Significant 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?* **See Black Butte Copper Project EIS Section 3.3.**
- (b) *Local and state tax base and tax revenues?* **On years when irrigation will occur, as it has historically occurred, and the involved water rights are not marketed for mitigation, no change is expected in tax base or revenue. If the proposed changes and permits involving the copper mine are authorized, then an increase in tax base and revenue may result. See Black Butte Copper Project EIS Section 3.9.**
- (c) *Existing land uses?* **No change should result from the water rights being used, as they have historically been used, for irrigation. On years when the historically irrigated fields are not watered because the rights are being used for marketing for mitigation and mitigation, hay production yields may be lower. See Black Butte Copper Project EIS Section 3.7.**
- (d) *Quantity and distribution of employment?* **Employment quantity and distribution involving the continued historic use of the involved irrigation rights is not expected to change. Employment opportunities may occur prior to the rights being used for marketing for mitigation and mitigation since employees will be needed for**

construction and maintenance of the wet well, point of diversion, and reservoir facilities. See Black Butte Copper Project EIS Section 3.9.

- (e) *Distribution and density of population and housing?* No impact is expected when the water rights are being used for historic purpose, irrigation. If the water rights proposed to be changed are authorized and the mine established, it is anticipated that an influx of new employees will occur. See Black Butte Copper Project EIS Section 3.9.
- (f) *Demands for government services?* There is a potential that the Black Butte Copper Project will result in increased demand for public infrastructure and services will significantly impact White Sulphur Springs. Any fiscal impacts will be mitigated through payments made under the Hard Rock Mining Impact Plan. See Black Butte Copper Project EIS Section 3.9.
- (g) *Industrial and commercial activity?* These water right changes are being proposed to offset surface water effects from copper mine depletions.
- (h) *Utilities?* Electrical consumption may increase slightly when operating electrically driven pumps for water delivery to and from the NCWR if the water right changes are approved.
- (i) *Transportation?* The Black Butte Copper Project will result in increased traffic associated with mining activities. See Black Butte Copper Project EIS Section 3.12.
- (j) *Safety?* Hazard classification related to ponds for the project have been determined by MT DEQ Hard Rock Mining Program.
- (k) *Other appropriate social and economic circumstances?* See Black Butte Copper Project EIS Section 3.9.

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

DEQ analyzed secondary and cumulative impacts of the Black Butte Copper Project in Section 4 Black Butte Copper Project EIS, which is incorporated by reference into this EA.

3. *Describe any mitigation/stipulation measures:*

As described previously, a varying combination of six irrigation water rights will be retired when they are being marketed to mitigate surface water depletions from beneficial groundwater use associated with the Black Butte Copper project. Use of the irrigation rights will vary yearly depending on the amount of water available to store in the NCWR from high spring flows. As explained earlier, use of the NCWR to store high spring flows is being applied for through a separate permit application which is being processed concurrently with six proposed water right changes (including the two discussed in this EA) and a groundwater application for the Black Butte Copper project. The Department may deem specific conditions

necessary to meet the statutory criteria for changes set forth at § 85-2-402, MCA. These conditions would be required in the Departments' preliminary determination, if applicable.

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:*

No action alternative: Deny the applications. This alternative would result in none of the benefits being realized by the Applicant or the proposed copper mine. The Montana Water Use Act, Title 85, Chapter 2, Montana Code Annotated requires the Department to grant an application for a change in appropriation right if the applicant proves the criteria in § 85-2-402, MCA.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is granting the applications.

2 Comments and Responses

The Department has not received comments on Applications to Change an Existing Irrigation Water Right Nos. 41J 30116553 and 30116554 as of the date of this EA.

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:

This EA is prepared in relation to the proposed change application nos. 41J 30116553 and 30116554, however the Department is also adopting the Black Butte Copper Project EIS prepared by DEQ for the mine operating permit. The EIS provides an extensive analysis of the Black Butte Copper Project. The analysis provided in this EA is appropriate for the proposed action of changing irrigation right nos. 41J 198908 and 198907. The Black Butte Copper Project EIS and related documents can be found on DEQ's website at the following link:

<http://deq.mt.gov/Mining/hardrock/Tintina-EIS>

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

Name: Melissa Norris

Title: Water Resources Specialist – Lewistown Regional Office

Date: 03/12/2020

ADOPTION OF EXISTING ENVIRONMENTAL REVIEW (EA/EIS)

Part I. Proposed Action Description

Applicant/Contact Name & Address: **BAR Z RANCH INC, JOHN & TERRI HANSON
122 BIRCH CREEK RD
WHITE SULPHUR SPRINGS, MT 59645**

Type of Action: **Application to Change an Existing Irrigation Water Right Nos. 41J 30116553 and 30116554 (Statement of Claim Nos. 41J 198908 and 198907, respectively)**

Location Affected by Action: **Sec 24 & 25, Twp 12N, Rge 6E and Sec 19 & 30, Twp 12N, Rge 7E, all in Meagher Co**

Narrative Summary of Proposed Action: **Applicants propose to change Statement of Claim No. 41J 198908-00 by adding two places of use, a place of storage, and two purposes: marketing for mitigation and mitigation. An additional diversion from Sheep Creek will allow water to be stored in a 291.9 acre-foot (AF) off-stream reservoir for use later in the year. Applicants propose to change Statement of Claim No. 41J 198907-00 by adding a place of use and purpose of marketing for mitigation. The current points of diversion and places of use for each irrigation right are proposed to be retained with the new additions. The irrigation purpose for each claim is proposed to be used, as it is currently being used, unless the right is needed to mitigate surface water depletions from beneficial groundwater use associated with the Black Butte Copper project. If the water is being marketed for mitigation, irrigation of the right(s) being used will cease. When 41J 198907 is mitigating surface water impacts instead of being used for irrigation, the Applicants propose to store water from 41J 198908 and release it into Sheep Creek later in the year to replicate historically accrued return flows. These two change applications are being filed in conjunction with two permits and four other changes related to water use for the proposed copper mine northwest of White Sulphur Springs in Meagher County.**

This Environmental Assessment (EA) is meant to supplement the Environmental Impact Statement (EIS) prepared by the Montana Department of Environmental Quality (DEQ) for the Black Butte Copper Mine Project. This EA includes information more specific to the proposed historical water right change applications.

Part II. Existing Environmental Review Information

Title: **Black Butte Copper Project Final Environmental Impact Statement**

Lead Agency: **Montana Department of Environmental Quality (DEQ)**

Location Where Interested Parties Can View or Obtain the Document:

<http://deq.mt.gov/Mining/hardrock/Tintina-EIS>.

Part III. Criteria for Adopting Existing Environmental Review

Yes No Does the existing environmental review cover an action paralleling or closely related to the proposed action?

Yes No Is the information in the existing environmental review accurate and clearly presented?

Yes No Is the information in the existing environmental review applicable to the action being considered?

Yes No Were all appropriate Agencies consulted during preparation of the existing environmental review?

Yes No Were alternatives to the proposed action evaluated as part of the existing environmental review effort?

Yes No Have all of the impacts of the proposed action been accurately identified as part of the existing environmental review?

Yes No If the existing environmental review identifies any significant impacts as a result of the proposed action, will they be mitigated below the level of significance?

Part IV. Conclusion

If the answers to ALL of the questions listed above are “Yes”, the existing environmental review can be considered sufficient to satisfy DNRC’s MEPA review responsibilities.

Yes No Based on the criteria evaluated in the existing EA, is an EIS required?

**** DNRC prepared an EA for the proposed action which is tiered to the Black Butte Copper Project EIS prepared by DEQ for the mine operating permit. The Black Butte Copper Project EIS provides an extensive analysis of the Black Butte Copper Project. The analysis provided in DNRC’s EA is appropriate for the proposed action of granting applications to change water rights.**

Name: Melissa Norris
Title: Water Resources Specialist - Lewistown Regional Office
Date: 3/12/2020