

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: **THORSON RANCH LLC  
418 SMITH RIVER RD  
WHITE SULPHUR SPRINGS, MT 59645**
2. Type of action: **Applications to Change an Existing Irrigation Water Right Nos. 41J 30116556, 30116557, 30116558, and 30116559 (Statement of Claim Nos. 41J 29449, 29452, 29451, and 29450-00, respectively).**
3. Water source name: **Jumping Creek, Adams Creek, Wolsey Creek, and Sheep Creek (respectively)**
4. Location affected by project: **Sections 25, 26, 27, & 36 Twp 12N Rge 7E Meagher Co**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

**Applicant proposes to change Statement of Claim nos. 41J 29449, 29452, 29451, and 29450-00 by adding a place of use and two purposes: marketing for mitigation and aquifer recharge. 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. The aquifer recharge purpose will allow a volume of water to be placed in aquifer recharge basins during the last month of the irrigation season (September), which will seep back to Sheep Creek and enable the replication of return flows that would otherwise have contributed to Sheep Creek outside the irrigation season. These four change applications have been filed in conjunction with two permits and two 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:**

<b>PHYSICAL ENVIRONMENT</b>
-----------------------------

**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 Sheep Creek, and tributaries of Sheep Creek: Jumping, Adams, and Wolsey, Creeks. Per the Department of Montana Fish, Wildlife & Parks (DFWP) Dewatered Streams website, Jumping, Adams, and Wolsey 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 Jumping, Adams, Wolsey, and Sheep Creeks. The beneficial use associated with the water rights being changed are currently flood irrigation. Two additional purposes are proposed in the change proceedings: marketing for mitigation and aquifer recharge. The proposed mitigation plan consists of a two-year rotation schedule primarily involving the Jumping Creek and Adams Creek water rights. Use of the remaining irrigation claims for mitigation purposes will vary yearly depending on the amount of water needed for mitigation due to spring runoff amounts available for an associated permit proposed to appropriate high spring flows. On years when the water rights are marketed for mitigation and used for aquifer recharge, no irrigation will occur. Instead, water will be left instream during the irrigation season or diverted to an off-stream reservoir for later release outside the irrigation season. Water will also be diverted to aquifer recharge basins to enable the replication of return flows that would have contributed to Sheep Creek outside of the irrigation season. During years when the irrigation rights are not used for mitigation and aquifer recharge, 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 Jumping, Adams, or Wolsey 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 of marketing for mitigation and aquifer recharge.**

**Impacts related to surface water quality are discussed in Section 3.5 of the Black Butte Copper Project Final Environmental Impact Statement, 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 Jumping, Adams, Wolsey, and Sheep Creeks for flood irrigation. When the rights are not used for irrigation and are used for marketing for mitigation or aquifer recharge, water will be left instream, pumped to an off-stream storage reservoir for later release, and diverted to aquifer recharge basins. Aquifer recharge basins are proposed to be located within each water right's historical place of use to enable the replication of return flows which historically returned to Sheep Creek outside of the irrigation season.**

**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. 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.

#### 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 these change proceedings have been previously irrigated and, in some years, will continue to be irrigated as they have been historically. Therefore, wetlands should not be impacted within the historic fields. The USDI Fish & Wildlife Service – Wetlands Online Mapper shows Freshwater Emergent and Freshwater Forested/Shrub Wetland types adjacent to stream channels in the area; however, they should not be affected by the proposed water right changes since the irrigation infrastructures are already in place. The proposed aquifer recharge basins will be located

within the historical fields and water used to fill them to enable the replication of off-season return flows will be diverted using the original points of diversion and buried pipelines. Since pipes will be buried and connected to the aquifer recharge basins, some excavation within the historic fields is expected. Their installment however should not impact wetlands in the area since they are located adjacent to the source water stream channels and not within the historic fields.

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 four water right changes are being filed in conjunction with two 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 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. The NCWR is only involved in these four proposed water right change applications for the added marketing for mitigation purpose.

**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 because the irrigation rights will be used, as they have historically been used, unless water is left instream or put into aquifer recharge basins for the two proposed additional purposes. The predominant soil types for the Jumping Creek right are Redchief, very stony-Duckcreek-Cheadle, extremely stony families, complex, 8 to 35 percent slopes and Bischoff-Monaberg families, complex with 0 to 8 percent slopes. The predominant soil type for the Adams Creek, Wolsey Creek, and Sheep Creek rights is Bischoff-Monaberg families, complex with 0 to 8 percent slopes. All are well drained soils.**

**The acreage involved in these change applications has been previously developed for irrigation and irrigation practices are not proposed to be changed. Therefore, soil quality, alteration of soil stability, or moisture content should not be negatively impacted by this project.**

**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 aquifer recharge purposes, in which case the irrigation will simply cease for that season. The Applicant proposes to install aquifer recharge basins within the irrigated fields for when their water is used to enable the replication of return flows that would have typically contributed to Sheep Creek outside the irrigation season. It is anticipated that some disturbance to vegetation will occur when the aquifer recharge basins and pipelines are installed. The disturbance should be brief and vegetation cover will be reestablished. 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, water will be left instream or diverted to the NCWR for temporary storage and later released back into Sheep Creek. When water is being used for aquifer recharge, it will be piped to aquifer recharge basins buried within the historic fields and water will be returned gradually to Sheep Creek during the non-irrigation season to enable the replication of historic return flows. 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.**

<b>HUMAN ENVIRONMENT</b>
--------------------------

**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 aquifer recharge uses. If used for irrigation, then their use will not change from that which was historically done. If used for marketing for mitigation and aquifer recharge, water will remain instream, be temporarily stored in the NCWR, or diverted to aquifer recharge basins within the historic field boundaries to enable the replication of historical return flows which returned to the streams after the irrigation season. Since the aquifer recharge basins will be buried within the historical fields, 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 aquifer recharge, 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 aquifer recharge since employees will be needed for construction of the proposed aquifer recharge basins which will be used to enable the replication of the involved water rights' historic return flows. 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 four 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 30116556, 30116557, 30116558, and 30116559 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 30116556, 30116557, 30116558, and 30116559, 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 29449, 29452, 29451, and 29450-00. 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: **THORSON RANCH LLC  
418 SMITH RIVER RD  
WHITE SULPHUR SPRINGS, MT 59645**

Type of Action: **Applications to Change an Existing Irrigation Water Right Nos. 41J 30116556, 30116557, 30116558, and 30116559 (Statement of Claim Nos. 41J 29449, 29452, 29451, and 29450-00, respectively).**

Location Affected by Action: **Sections 25, 26, 27, & 36 Twp 12N Rge 7E Meagher Co**

Narrative Summary of Proposed Action: **Applicant proposes to change Statement of Claim nos. 41J 29449, 29452, 29451, and 29450-00 by adding a place of use and two purposes: marketing for mitigation and aquifer recharge. 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. The aquifer recharge purpose will allow a volume of water to be placed in aquifer recharge basins during the last month of the irrigation season (September), which will seep back to Sheep Creek and enable the replication of return flows that would otherwise have contributed to Sheep Creek outside the irrigation season. These four change applications have been filed in conjunction with two permits and two 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.**

### 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