

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **The O.T. Mining Corporation**  
**4333 Ste Catherine Street West**  
**Suite 610**  
**Montreal, Quebec H3Z 1P9**
2. Type of action: **Authorization to Change a Water Right No. 411-30019252**  
**(Statement of Claim No. 41E-94205)**
3. Water source name: **Lowland Creek**
4. Location affected by action: **Jefferson County**  
**T5N, R7W, Sections 1 W<sup>1</sup>/<sub>2</sub>, 2-4 All, 5 E<sup>1</sup>/<sub>2</sub>, 8 E<sup>1</sup>/<sub>2</sub>, 9-11 All, 12 W<sup>1</sup>/<sub>2</sub>, 13 NW<sup>1</sup>/<sub>4</sub>, 14 N<sup>1</sup>/<sub>2</sub>.**  
**T6N, R6W, Sections 19 W<sup>1</sup>/<sub>2</sub>, 30 W<sup>1</sup>/<sub>2</sub>, and 31 W<sup>1</sup>/<sub>2</sub>.**  
**T6N, R7W, Sections 13-15 S<sup>1</sup>/<sub>2</sub>, 16 SE, 21-28 All, 29 E<sup>1</sup>/<sub>2</sub>, 32 E<sup>1</sup>/<sub>2</sub>, 33-36 All.**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:

**The applicant is requesting to add four points of diversion and change the place of use for a small portion of their existing surface water right (41E-W-094205) on Lowland Creek. This water right is for mining and mineral assessment work. The applicant proposes to divert 0.05 cfs of their existing 2.5 cfs water right (2% of their total water right) at four additional locations on Lowland Creek to provide drilling water for mineral assessment work. The maximum volume proposed for this project is 27.1 acre-feet per year. The applicant would pump water directly from the stream to fill water trucks. The diversion rate is based on estimated gallons per day required for drilling assuming two drill rigs operating in two shifts. The proposed additional points of diversion are as follows:**

<b>NWNENW</b>	<b>Sec 14, T5N, R7W</b>	<b>Jefferson County</b>
<b>SESWSE</b>	<b>Sec 35, T6N, R7W</b>	<b>Jefferson County</b>
<b>SWSWNW</b>	<b>Sec 36, T6N, R7W</b>	<b>Jefferson County</b>
<b>NENWSW</b>	<b>Sec 25, T6N, R7W</b>	<b>Jefferson County</b>

**The proposed place of use would be expanded to cover continued exploration and assessment in the area north and west of the original claim blocks. These are unpatented claims on USDA Forest Service lands in Jefferson County. The legal description of the new proposed place of use is as follows:**

**T5N, R7W, Sections 1 W<sup>1</sup>/<sub>2</sub>, 2-4 All, 5 E<sup>1</sup>/<sub>2</sub>, 8 E<sup>1</sup>/<sub>2</sub>, 9-11 All, 12 W<sup>1</sup>/<sub>2</sub>, 13 NW<sup>1</sup>/<sub>4</sub>, 14 N<sup>1</sup>/<sub>2</sub>.  
T6N, R6W, Sections 19 W<sup>1</sup>/<sub>2</sub>, 30 W<sup>1</sup>/<sub>2</sub>, and 31 W<sup>1</sup>/<sub>2</sub>.  
T6N, R7W, Sections 13-15 S<sup>1</sup>/<sub>2</sub>, 16 SE, 21-28 All, 29 E<sup>1</sup>/<sub>2</sub>, 32 E<sup>1</sup>/<sub>2</sub>, 33-36 All.**

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

**MT Natural Heritage Program - Species of Concern, T/E  
MT Dept. of Environmental Quality - 2004 Montana Water Quality Integrated Report  
MT Dept. of Fish, Wildlife and Parks - Montana Fisheries Information System  
The Montana Noxious Weed Survey and Mapping System**

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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.**

**Lowland Creek, the source of supply is not listed by DFWP as chronically dewatered. This water right change should not have any affect on the availability of water in this source as the historic diversion amount will remain the same.**

**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.**

**Lowland Creek is listed on the DEQ Montana 303(d) list for metals. The proposed project will not affect water quality. The proposed diversions would be accomplished by pumping water directly from the stream. The hose on the water truck is fitted with an intake strainer with screen openings of 1/8-inch or smaller to avoid the entrapment of small fish. This change will require no instream diversion structures or construction of other conveyances.**

**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 to groundwater quality or supply.**

**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.**

**The proposed diversions would be accomplished by pumping water directly from Lowland Creek. The hose on the water truck will be fitted with an intake strainer with**

screen openings of 1/8-inch or smaller to avoid the entrapment of small fish. This proposed change will require no instream diversion structures or construction of other conveyances.

#### **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.**

The MT Natural Heritage Program identified *Felis lynx* (Lynx) and the *Ammodramus savannarum* (Grasshopper Sparrow) as species of special concern in the vicinity of the project. It is unlikely that the proposed project would have any impact on Lynx or Sparrow habitat. No plant or fish species of special concern were identified. The water truck intake hose will be fitted with a strainer with screen openings of 1/8-inch or smaller to avoid entrapment of small fish.

**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. There are no wetlands in the area of the proposed change.**

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

Determination: **No significant impact. There are no ponds associated with the change.**

**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.**

**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.**

The Montana Noxious Weed Survey and Mapping System identified Spotted Knapweed and Dalmatian Toadflax in the project vicinity. There would be minimal disturbance due to pumping water directly from the creek to fill water trucks. The landowner is responsible for controlling any establishment of noxious weed as a result of disturbance.

**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.**

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant impact.**

**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: **None identified.**

<b>HUMAN ENVIRONMENT</b>
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**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.**

**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.**

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

Determination: **No significant 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: **No 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? **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: **No adverse secondary or cumulative impacts were identified as a result of this project.**

Describe any mitigation/stipulation measures: **The applicant has agreements with the land owners of the proposed points of diversion. The water truck intake hose will be fitted with a strainer with screen openings of 1/8-inch or smaller to avoid entrapment of small fish.**

3. 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: **Under the no action alternative, the project would continue to be used as it is today. There do not appear to be alternatives.**

### **PART III. Conclusion**

- 1. Preferred Alternative: **Issue the authorization for the proposed project.**
- 2. Comments and Responses: **There have been no comments or responses.**
- 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 EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

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

Name: Eric Chase  
Title: Water Resource Specialist  
Date: February 23, 2006