



March 6, 2018

John Shanahan  
President and CEO  
Tintina Resources Inc.  
PO Box 431  
White Sulphur Springs, MT 59645

**RE: Black Butte Copper's Environmental Impact Statement (EIS) Schedule and Consultation for Additional Time to Complete EIS**

Dear Mr. Shanahan:

The Department of Environmental Quality (DEQ) would like to consult with Black Butte Copper (BBC) on the Environmental Impact Statement (EIS) schedule pursuant to 75-1-205(4)(c)(ii), MCA. The current EIS schedule is attempting to complete the EIS and reach a decision within the timeframe prescribed in the Metal Mine Reclamation Act (MMRA) of one year from issuance of the draft permit. We have determined completing the Final EIS in 12 months is not possible.

Given our experience with the 12-month timeframe, completing any EIS in one year is challenging, and will not be possible for this new mine. We appreciate that BBC has acknowledged these challenges in our discussions. We also have communicated extensively with BBC that the timeframe within the MMRA would be additionally challenging due to the project complexity and amount of public interest in the project.

Below is a basic schedule for the Draft EIS. This has DEQ producing a Draft EIS for public review in the Fall of this year. Our top priorities for this project are producing a solid, high quality, complete, and defensible EIS. This schedule for completing the Draft EIS allows for appropriate review times and allows the water discharge and air quality permits to be considered in this EIS:

- February 2018: All baseline and permit applications submitted to DEQ
- February – early March 2018: Finalization of baseline information, permit applications and the Alternatives
- March – July 2018: Writing, reviewing and finalizing Chapter 3 (Affected Environment and Environmental Consequences) of the Draft EIS
- March – August 2018: Writing, reviewing and finalizing Chapters 4 – 9 of the Draft EIS
- Fall of 2018: Publication of Draft EIS

The schedule for the Final EIS will be set after the Draft EIS public comment period when we can assess the time needed to respond to and address substantive comments and make any needed changes to the Final EIS.

In addition to the inherent challenges in completing any new mine EIS in a year or less, there are several specific reasons completing this EIS in one year will not be possible:

1. BBC submitted its Montana Pollutant Discharge Elimination System (MPDES) application to DEQ on December 11, 2017. The most efficient and effective way to satisfy the MEPA requirements for the MPDES application is in this EIS. The MPDES is an important component in completing the analysis and comments received during scoping focused on surface water impacts as a major issue to be examined. The MPDES permit application must be nearly finalized before DEQ can move forward with surface water analysis portions of the EIS.

We have emphasized from the beginning of this project, and during the deficiency process of the MMRA, the need to submit applications for other DEQ and state permits that would be needed for the project so that we could fully evaluate the project and avoid delays. The MPDES permit is the most pertinent to this EIS review.

2. BBC's MPDES application proposes a different process for discharging water compared to what was proposed in the MMRA application. Due to dye tracer test results found after the completion of the metal mine application process, BBC submitted an MPDES application that proposed a different discharge process. BBC just recently aligned the MMRA application with the MPDES application. Additional changes coming out of the MPDES application, associated potential deficiencies, and the changes to the MMRA application make the 12-month schedule impossible.
3. There are other pieces of information we have identified as data gaps and only recently received. At the end of January we received baseline information for transportation, socioeconomics, and some needed pieces of cultural information. All of this information needed to be verified before moving forward with writing these sections. We also just received, at the end of February, the aquatics baseline information, the air quality permit application and baseline, and the final railhead locations. We communicated that all this information needed to be submitted to DEQ by December 8 of last year. This adds delays to the schedule that also make the 12-month schedule impossible.
4. A 12-month EIS schedule allows DEQ staff and other state agencies with expertise prohibitively limited time for reviewing EIS sections.

One potential solution to give us more time to review the EIS sections would be to truncate the amount of time our third-party contractor is given to write a section. We do not see this as a feasible solution as our third-party contractor would not be able to provide quality products. We are looking into the possibility of enhancing technical review capacity in our Hard Rock Mining program through shared staff from other DEQ programs; however, this efficiency may not provide significant time saving for this EIS process.

This is an aggressive schedule and is based on several assumptions:

- The MPDES application has only one deficiency review and there are no major missing pieces of information;
- There are no further changes to the operating plan; and
- We receive all information we request of BBC and other agencies per assigned deadlines.

We appreciate BBC's commitment to being responsive on this project; this will ultimately aid in completing the EIS on a reasonable schedule. Please know that, if possible, we will work to complete portions of the Draft EIS and reviews ahead of schedule – provided we can do so without compromising the integrity of the analysis or public involvement – and put the Draft EIS out as soon as it is complete.

We thank you for considering this request for additional time.

Sincerely,

A handwritten signature in blue ink that reads "Tom Livers". The signature is written in a cursive style with a prominent horizontal stroke at the beginning.

Tom Livers  
Director