

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: Reverse E Ranch LLC
% Benjamin Jackson
4709 Impala Ct NW
Mandan, ND 58554-1054
2. Type of action: Change Application for Additional Stock Tanks 42M 30162792
3. Water source name: Groundwater, Well
4. Location affected by project: Sections 7, 8, 18, 19, 29 and 31, T13N, R49E, Prairie County, Section 4, T12N, R49E, Prairie County, and Section 36, T13N, R48E, Prairie County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicant proposes to change the place of use by adding stock tanks to Groundwater Certificate 42M 30162613. Groundwater Certificate 42M 30162613 is for stock use from a well located in the SWSWSE Section 8, T13N, R49E, Prairie County. This well is connected to a pipeline system which supplies water to the stock tanks located in the places of use described in Table 1. The flow rate used is 5 GPM and the volume used is up to 1.71 AF for 150 cattle from April 1 to November 30. The Applicant proposes a temporary change to add three stock tanks including one in Section 18, T13N, R49E and two in Section 36, T13N, R48E. The proposed tanks are located on property owned by the State of Montana Trust Lands Management Division and leased by the Applicant. These places of use are being added through a temporary change in appropriation right to use the lessee's water right on school trust land for the duration of State Lease Nos. 1940 and 9154 pursuant to §§85-2-407 and -441, MCA. The proposed tank in Section 18, T13N, R49E is on a parcel leased under Agricultural and Grazing Lease No 9154 and the proposed tanks in Section 36, T13N, R48E are on a parcel leased under Agricultural and Grazing Lease No 1940. The temporary change to add three places of use to Groundwater Certificate 42M 30162613 will be for the term of the lease and must be renewed when the lease expires in order for the Applicant to continue using these places of use. Agricultural and Grazing Lease Nos. 1940 and 9154 each took effect March 1, 2022, for a term of 10 years with an expiration date of February 29, 2032. In the instance temporary change authorization 42M 30162792 is not renewed, expires, or is terminated, Groundwater Certificate 42M 30162613 will be used in accordance with the terms set forth on the original version of the water right. The well will continue to serve the historical places of

use described in Table 1. There will be no changes to point of diversion, period of diversion, period of use, flow rate, volume, or purpose. Float/shut off valves will be used to control flow to the tanks. The proposed additional places of use are listed in Table 2. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

Table 1. Places of Use for 42M 30162613

	Quarter Sections	Govt Lot	Section	Township	Range
1	NWNWNW	4	4	12N	49E
2	SESESE		7	13N	49E
3	NESWNE		19	13N	49E
4	SWSESW		19	13N	49E
5	SWNWSW		29	13N	49E
6	NWNWNW	1	31	13N	49E
7	SESWSW	4	31	13N	49E

Table 2. Proposed Additional Places of Use

	Quarter Sections	Section	Township	Range
1	SESWNE	18	13N	49E
2	SWSWNE	36	13N	48E
3	SESESE	36	13N	48E

6. Agencies consulted during preparation of the Environmental Assessment:
 (include agencies with overlapping jurisdiction)
 Montana Department of Natural Resources and Conservation
 Montana Department of Fish, Wildlife, and Parks
 Montana Department of Environmental Quality
 Montana Sage Grouse Habitat Conservation Program
 Montana Natural Heritage Program
 United States Natural Resource Conservation Service
 United State Fish and Wildlife Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – The water source is a well that has been in use since 2000. The proposed use will not increase the flow rate or volume of water already appropriated through Groundwater Certificate 42M 30162613 and will have no effect on water quantity.

Determination: No significant impact

Water quality –The proposed plan to add stock tanks will not impair groundwater quality.

Determination: No significant impact

Groundwater – The addition of stock tanks to this existing use of a well will not have an impact on groundwater. The herd size will not increase under the proposed change. Neither the flow rate nor the volume will increase. There will be no change in the rate or timing of stock use. Only the place of use will change due to the addition of stock tanks. Water will be conveyed to the additional stock tanks through a pipeline so there will be no conveyance losses. The Applicant proposes to equip each stock tank with float/shut-off valves to control flow to the tanks.

Determination: No significant impact

DIVERSION WORKS - The point of diversion consists of a stock well, completed on July 20, 2000. The well is located in the SWSWSE Section 8, T13N, R49E, Prairie County. The well depth is 180 feet with a static water level of 32 feet. A one horsepower pump operating at 5 GPM is set in the well at a depth of approximately 100 feet. The flow rate of the well was tested at the time of drilling and again this year at 5 GPM. The pipeline system has operated well over the years using this flow rate. From the well, water is pumped into the pipeline system to the stock tanks. The conveyance pipeline consists of approximately 7 miles of 1.5-inch PVC buried to a depth of six feet. The additional tank proposed in Section 18 is a rubber tire tank and the additional tanks proposed in Section 36 are round fiberglass tanks. The pump is equipped with an adjustable timer and all stock tanks have float valves and hydrants that can be shut off at each tank to control the flow of water through the system. The pipeline system is already constructed and operational.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program, there are 5 animal species of concern in the proposed project area. Animal species of concern include Greater Sage Grouse, Loggerhead Shrike, Brewer’s Sparrow, Black-tailed Prairie Dog, and Greater Short-horned Lizard. For plant species, the Montana Natural Heritage Program lists Four-wing Saltbrush as a potential species of concern in the project area. According to the Montana Sage Grouse Habitat Conservation Map, this project is within sage grouse habit. The project is consistent with the Montana Sage Grouse Conservation Strategy according to a letter from Therese Hartman, Program Manager, dated November 30, 2023. The proposed project is consistent with the current stock use of land in the area and is not likely to impact threatened or endangered species or create barriers to migration or movement of fish or wildlife.

Determination: No significant impact

Wetlands –The additional stock tanks for this project are not located within the areas identified as wetlands by US Fish and Wildlife Service National Wetlands Inventory.

Determination: No significant impact

Ponds – There are no ponds associated with the proposed project.

Determination: No impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – This stock watering system covers a broad area in Prairie County including Sections 7, 8, 18, 19, 29, and 31 T13N, R49E, Section 4, T12N, R49E, and Section 36, T13N, R48E. The system consists of approximately 7 miles of pipeline and 13 stock tanks. According to the USDA Natural Resources Conservation Service, the predominant soil type in the project area is Lonna-Cambeth silt loams, 2 to 8 percent slopes and Lonna-Cambeth-Cabbart silt loams, 4 to 12 percent slopes. These soil types are well drained and nonsaline to moderately saline. The addition of stock tanks on these soils is unlikely to cause significant impact on soil quality or stability.

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – Existing vegetative cover in the area is rangeland. The addition of stock tanks will improve range management. The installation of pipelines and tanks may contribute to the establishment and spread of noxious weeds. It is the responsibility of the property owner to monitor for and implement measures for noxious weed control.

Determination: No significant impact

AIR QUALITY – The use of water from a well for stock purposes will not impact air quality.

Determination: No impact

HISTORICAL AND ARCHEOLOGICAL SITES – The proposed additional stock tanks are on property owned by the State of Montana Trust Lands Management Division and leased by the Applicant. These places of use are being added through a temporary change in appropriation right to use the lessee’s water right on school trust land for the duration of State Lease 1940 and 9154 pursuant to §85-2-407 and -441, MCA. Patrick Rennie, DNRC staff archaeologist, indicated that a Class I (literature review) level review was conducted for the area of potential effect (APE). This entailed inspection of project maps, DNRC’s sites/site leads database, land use records, General Land Office Survey Plants and control cards. No cultural or paleontological resources were identified. The rest of the pipeline project is not located on State or Federal Lands so no additional review of the historical and archaeological sites is required.

Determination: No impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - No additional demands on environmental resources are recognized.

Determination: No impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals.

Determination: Not applicable

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – The proposed project is located on privately owned and leased agricultural land. The project will not impact access to recreational or wilderness activities.

Determination: No impact

HUMAN HEALTH – No impacts to human health have been identified for the proposed addition of stock tanks to an existing stock water right on a well.

Determination: No 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:

Secondary Impacts: No secondary impacts are recognized

Cumulative Impacts: No cumulative impacts are recognized

3. Describe any mitigation/stipulation measures: None

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: The alternative to the proposed project is the no action alternative. The no action alternative prevents the property owner from improving efficiency of the watering system and improving range management practices. The no action alternative does not prevent or mitigate any significant environmental impacts.

PART III. Conclusion

1. Preferred Alternative: Issue the change authorization if the applicant proves the criteria in 85-2-402 MCA are met.

2. Comments and Responses: None

3. Finding:

Yes__ No_x_ Based on the significance criteria evaluated in this EA, is an EIS required?

There are no significant impacts associated with the project so an environmental assessment is the appropriate level of analysis.

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

Name: Jill Lippard

Title: Water Resource Specialist

Date: 01/30/2024