

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:

David & James Hagenbarth  
PO Box 1128  
Dillon MT 59725-1128

Hagenbarth Land Montana LP  
PO Box 1128  
Dillon MT 59725-1128

Montana State Board of Land Commissioners  
Trust Land Management Division  
PO Box 201601  
Helena MT 59620-1601

2. Type of action: Application to Change Water Right No. 41B 30162751.
3. Water source name: Groundwater
4. Location affected by project: The proposed project is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 2, Township 6S, Range 9W, Beaverhead County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The proposed change is to add one place of use and corresponding conveyance structure to Groundwater Certificate 41B 31321 00. The current stock watering system is issued for seventeen stock tanks, three points of diversion, and conveyance structures to distribute the diverted volume of 38.30 acre-feet at a flow rate of 30 gallons per minute. This proposed change is for the addition of one place of use in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 2, Township 6S, Range 9W, Beaverhead County, to the existing stock watering system. After this change the Applicant will continue to appropriate up to 38.30 acre-feet at a flow rate of 30 gallons per minute. The period of diversion and period of use will remain unchanged from January 1 - December 31.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
  - Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
  - Montana Department of Fish Wildlife & Parks (MTDFWP): Dewatered Stream Information
  - Montana Department of Environmental Quality (MTDEQ): Clean Water Act Information Center
  - U.S. Natural Resources Conservation Service (NRCS): Web Soil Survey
  - Montana Department of Natural Resources and Conservation Archeologist-Patrick Rennie

## **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.

The Applicant proposes to divert from a groundwater source; therefore, it has not been identified as a chronically or periodically dewatered stream by DFWP.

*Determination:* No impacts

**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.

The Applicant proposes to divert from groundwater; therefore, the source isn't listed as a water quality impaired or threatened stream by DEQ.

*Determination:* No impacts

**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.

The proposed change will not have an impact on ground water quality or supply. The proposed change will not change the diverted volume or flow rate from what was appropriated historically.

*Determination:* No impacts.

**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.

The diversion works for this project have already been installed as part Groundwater Certificate 41B 31321 00 and Change Authorization 41B 30102793. No additional diversions are being installed and there are no anticipated impacts.

*Determination:* No impact.

**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.”

The Montana Natural Heritage Program lists 11 Species of Concern within Section 2, Township 6S, Range 9W, Beaverhead County. These species are listed in Table 1. No impacts to any of these species are expected with this project; the project location has previously been disturbed by agricultural practices associated with livestock grazing.

<b>Table 1. Animal Species of Concern</b>			
Columbia Plateau Pocket Mouse <i>(Perognathus parvus)</i>	Spotted Bat <i>(Euderma maculatum)</i>	Brewers Sparrow <i>(Spizella breweri)</i>	Burrowing Owl <i>(Athene cunicularia)</i>
Ferruginous Hawk <i>(Buteo regalis)</i>	Golden Eagle <i>(Aquila chrysaetos)</i>	Greater Sage-Grouse <i>(Centrocercus urophasianus)</i>	Loggerhead Shrike <i>(Lanius ludovicianus)</i>
Long-Billed Curlew <i>(Numenius americanus)</i>	Sage Thrasher <i>(Oreoscoptes montanus)</i>	Thick-billed Longspur <i>(Rhynchophanes mccownii)</i>	

*Determination:* No impacts.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

The National Wetlands Inventory Website shows a very limited amount of Freshwater Pond type wetlands adjacent to the new place of use. None of these are likely to be affected by the new stock tank.

*Determination:* No significant impact.

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

The proposed project does not involve a pond. No impacts to existing wildlife, waterfowl, or fisheries are anticipated.

*Determination:* No impact.

**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.

The NRCS Soil Map indicates the soil unit in the proposed project area is Thessvo-Scarvo complex, 0 to 4 percent slopes. This unit consists of a gravelly loam mix that drains well. The addition of a single stock tank to the area should not affect soil quality, stability, or moisture content. Additionally, this soil unit is non-saline to very slightly saline, so it is unlikely to cause a saline seep.

*Determination:* No 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.

Construction associated with this project will be minimal so there is no spread of noxious weeds anticipated with this application. It is the responsibility of the property owner to control noxious weeds on their property.

*Determination:* No impact.

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

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposed action.

*Determination:* No impacts.

**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.

A Class I (literature review) level review was conducted by the DNRC staff archaeologist 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 Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the

APE, but it should be noted that Class III level inventory work has not been conducted there to date.

Because the topographic setting and geology suggest a low to moderate likelihood of the presence of cultural or paleontologic resources, proposed water development activities are expected to have *No Effect to Antiquities*. No additional archaeological investigative work will be conducted in response to this proposed development. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

*Determination:* No impacts.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

No additional impacts are anticipated.

*Determination:* No impacts.

## HUMAN ENVIRONMENT

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

No locally adopted environmental plans or goals have been identified.

*Determination:* No impacts.

**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.*

The proposed action should not negatively impact recreational and wilderness activities.

*Determination:* No impacts.

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

No impacts to human health have been identified.

*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 impacts.

**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? None
- (b) Local and state tax base and tax revenues? None
- (c) Existing land uses? None
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? None
- (f) Demands for government services? None
- (g) Industrial and commercial activity? None
- (h) Utilities? None
- (i) Transportation? None
- (j) Safety? None
- (k) Other appropriate social and economic circumstances? None

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

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

**3. *Describe any mitigation/stipulation measures:***

No mitigation or stipulation measures have been identified by the Applicant or the Department

**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, this alternative would result in no change to the existing stock watering system.

**PART III. Conclusion**

**1. Preferred Alternative**

The preferred alternative is the proposed alternative.

**2. Comments and Responses**

N/A

**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:*

There are no significant impacts anticipated with this project for any of the identified metrics. Furthermore, the project is small in scale and will only minimally change the area surrounding the place of use.

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

*Name:* Mitchell Hoffman

*Title:* Water Resources Specialist

*Date:* April 23, 2024