Part I. Proposed Action Description

1. Applicant/Contact name and address: PV Ranch Company, LLC & PV Ranch Holdings, LLC
   % DMS Natural Resources
   602 South Ferguson Ave. Suite 2
   Bozeman, MT  59718

2. Type of action: Application for Beneficial Water Use Permit

3. Water source name: Yellowstone River

4. Location affected by project: Secs. 2, 3, 5, 9, 11 and 21, T7N, 36E, Secs. 26, 34 and 35, T8N, R35E, Secs. 2, 3, 4, 10, 14, 18, 20, 22, 23, 26, 29, 31, 34 and 35, T8N, R36E, Treasure County, MT

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The Applicants are requesting a beneficial water use permit in order to divert 2.3 CFS up to 22.8 acre-feet per year from Yellowstone River in the NWSENW Sec. 34, T7N, R36E to use for stock in Secs. 2, 3, 5, 9, 11 and 21, T7N, 36E, Secs. 26, 34 and 35, T8N, R35E, Secs. 2, 3, 4, 10, 14, 18, 20, 22, 23, 26, 29, 31, 34 and 35, T8N, R36E, Treasure County, MT. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

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

   | Montana Natural Heritage Program                  | Endangered-Threatened Species |
   | Montana Department of Fish Wildlife & Parks (MFWP) | Dewatered Stream Information  |
   | Montana Department of Environmental Quality (MDEQ) | TMDL Information               |

Part II. Environmental Review

1. Environmental Impact Checklist:

   PHYSICAL ENVIRONMENT

   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 impact

Yellowstone River below the Bighorn River is not on the DFWP list of chronically or periodically dewatered streams.

**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 impact

Yellowstone River has been assessed by DEQ and assigned water use class B-3 which is classified as being suitable for drinking, culinary and food processing purposes after treatment; bathing, swimming and recreation; growth and propagation of salmonoid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply. It is assigned water quality category 4C which is waters for which identified threats or impairments result from pollution categories such as dewatering or habitat modification and, thus, the calculation of Total Maximum Daily Load is not required. This use of water for stock watering via pipeline and tanks will not further degrade water quality in the Yellowstone River.

**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 Impact

This proposed use of surface water should have no significant impact on groundwater quality or quantity in the area.

**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 Impact.

The proposed diversion will consist of an existing pump site on Yellowstone River. This diversion should not impact channels, flow, barriers, riparian areas dams, or well construction.

**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 Impact

The Natural Heritage Program identified the following species of concern or special status species within the project area: Black-tailed Prairie Dog, Spotted Bat, Hoary Bat, Little Brown Myotis, Golden Eagle, Great Blue Heron, Greater Sage-Grouse, Mountain Plover, Baird’s Sparrow, Long-Billed Curlew, Brewer’s Sparrow, Greater Short-horned Lizard, Spiny Softshell, Snapping Turtle, Blue Sucker, Sauger, and Bald Eagle. This area is already actively farmed and ranced, there should be no impact to the species listed above.

**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 Impact

The project area is not within a wetland, so there should be no significant impacts to wetlands from this proposed use.

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

Determination: No impact

There are no ponds associated with the proposed project.

**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 Impact

The soils in this area are primarily Pierre-Lismas clays, Lismas-Pierre clays and Hoven and McKenzie soils which are well-drained, moderately to highly saline soils. Water will be delivered to tanks via buried pipeline. Tanks will have floats to prevent them from overflowing. There is little likelihood of saline seep and there will be no changes to soil quality or stability.

**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 Impact

The landowner is expected to prevent the establishment or spread of noxious weeds on their property.

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.
**Determination**: No Impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

**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**: NA-project not located on State or Federal Lands.

**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 Impact

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

**HUMAN ENVIRONMENT**

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

**Determination**: No Impact

This proposed use is not inconsistent with locally adopted environmental plans and goals for Treasure County.

**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 Impact

This project should have no new impact on recreational or wilderness activities.

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

**Determination**: No Impact

There should be no significant impact on human health from this proposed use.
**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No____ 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? 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  None identified.

   Cumulative Impacts  There are no other pending applications on this source of water.

3. **Describe any mitigation/stipulation measures:** There are no mitigation or stipulation measures required.

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 proposed activity is reasonable, and is within accepted practices for stock
PART III. Conclusion

1. **Preferred Alternative** To authorize the beneficial water use permit.

2. **Comments and 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: No significant environmental impacts were identified. No EIS required.

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

   Name: Christine Schweigert
   Title: Hydrologist
   Date: June 27, 2022