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: Dave P. Arthun
PO Box 111
Joliet, MT 59041

2. Type of action: Application to Change a Water Right Additional Stock Tanks

3. Water source name: groundwater

4. Location affected by project: Sec. 13, T3S, R22E and Secs. 7, 8, 16, 17, 18, 19, and 21 T3S, R23E, Carbon County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to add 19 stock tanks to an existing stock watering system which will improve grazing management on the Applicant's property. 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:
(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

Groundwater is not on the DFWP list of periodically dewatered streams. There will be no increase in use from this proposed change; this use should not affect any 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

Groundwater is not listed on the MDEQ 303(d) list. There should be no change in water quality due to this use of water for livestock.

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 well will be used for watering livestock; there will be no increase in diversion or consumption from this proposed project. There will be no impact to surface water flows.

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 well is already in place and in use. The additional 19 stock tanks will not affect channels, flows, 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 and special status species, within the project area: Little Brown Myotis, Great Blue Heron, Greater Sage-Grouse, Yellow-billed Cuckoo, Spiny Softshell, Western Milksnake, Sauger, Bald Eagle, Golden Eagle, Peregrine Falcon. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. A portion of the proposed place of use falls within currently mapped general sage grouse habitat. This application was received prior to the effective date of the Order and is not subject to the core area stipulations. This area is already actively grazed. There should be little or no change in affects to Sage Grouse due to the addition of stock tanks.

***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

This project does not involve any wetlands.

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

Determination: no impact

This project does not involve any ponds.

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 project area is comprised of several varieties of soil including clays and loams. A description of the soils is in the project file. This project is to add 19 stock tanks to an existing stock watering system. There is very low likelihood of soil degradation, alteration of stability or moisture content, or saline seep due to this proposed use of water.

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 project area is an existing livestock pasture; the applicant 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: no impact

The State of Montana has not inventoried the Trust Land section for archeological or historical sites so there is currently no record of any such sites. An inventory will be conducted on the site before any authorization is granted for the construction of the pipeline on that section. The landowner is expected to ensure that there is no disturbance to any cultural or archeological sites due to the proposed project.

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 or 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 Carbon 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

The project is located in an area that is actively grazed; this project should have no 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_**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 None identified.

Cumulative Impacts None identified.

3. ***Describe any mitigation/stipulation measures:*** The applicant would be required to cease diverting water if a call is made by a senior water user.

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 water use. The no action alternative would mean that the applicant could not add stock tanks and would continue watering cattle from the existing stock tank.

PART III. Conclusion

1. ***Preferred Alternative*** To authorize the change to an existing non-irrigation water right.

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 impacts were identified. No EIS required.

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

Name: Christine Smith
Title: Water Resources Specialist
Date: February 5, 2016