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:

   Shilo Partners, LLC
   PO Box 100
   Clyde Park, MT 59018

2. Type of action: Application to Change a Water Right – Additional Stock Tanks No. 43A 30111082. The Applicant proposes the addition of a stock tank to livestock direct from source Statement of Claim 43A 192051-00. The stock tank is located in the NWSWNE, Section 31, T03 N, R10 E, Park County.

3. Water source name: Indian Creek

4. Location affected by project: NWSWNE, Section 31, T03 N, R10 E, Park County.

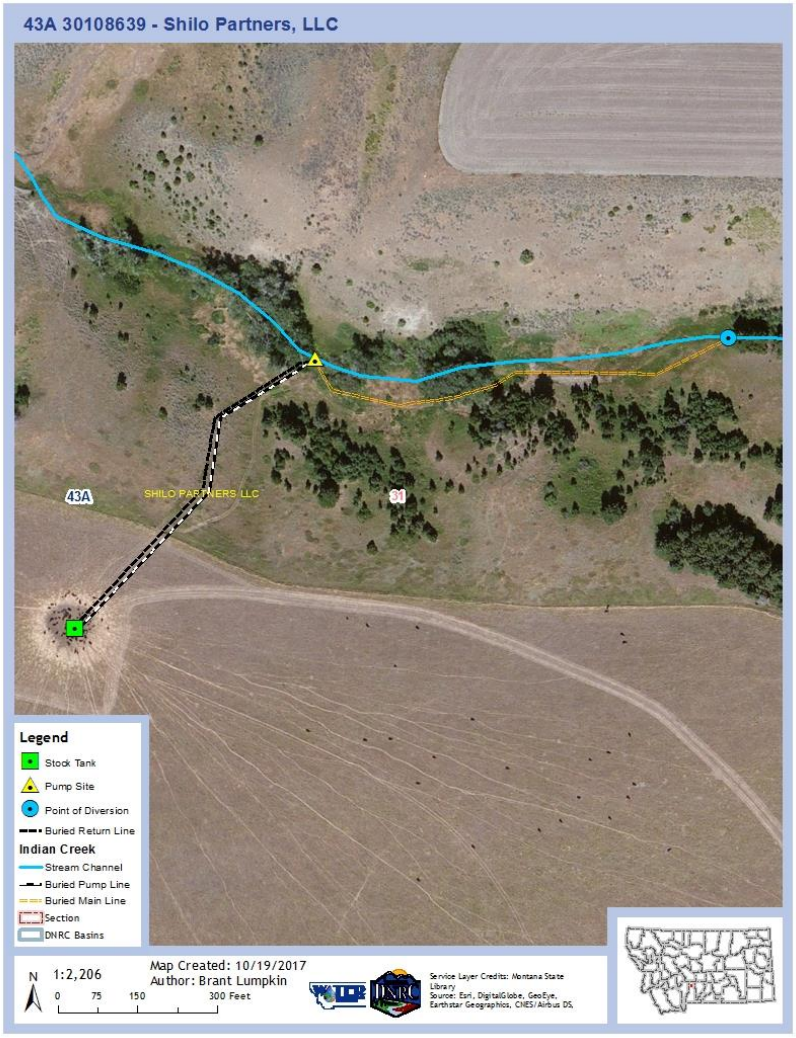

Figure 1. Map of Project Location

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes the addition of a stock tank located in the NWSWNE, Section 31, T03 N, R10 E, Park County, to this livestock direct from source Statement of Claim. This stock tank will provide water to 100 cow/calf pairs from January 1 to December 31. The diversion system operates with a ram pump and series of buried pipelines running between Indian Creek, the stock tank, and the pump. The diversion system allows any excess water not consumed by the stock to return directly to the source.

6. Agencies consulted during preparation of the Environmental Assessment:
    - Montana Department of Fish, Wildlife & Parks (FWP) – Montana Fisheries Information System (MFISH)
        - http://fwp.mt.gov/fishing/mFish/
    - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC)
        - http://deq.mt.gov/wqinfo/CWAIC/default.mcpx
    - Montana National Heritage Program (MTNHP) – Species of Concern:
        - http://mtnhp.org/SpeciesOfConcern
    - U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper
        - http://www.fws.gov/wetlands/Data/Mapper.html
    - Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS)
        - http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

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 significant impact identified.

As determined by a search of MFISH conducted on November 24, 2017, Indian Creek is not listed as chronically or periodically dewatered. This change will not significantly impact conditions because water that is not stored in the stock tank will be immediately returned to the source. Additionally, the Applicant is proposing a reduced herd size which will allow more water to remain in the source.

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 significant impact identified.

According to a search of the DEQ CWAIC website conducted on November 24, 2017, a water quality assessment of Indian Creek has not been completed by DEQ. This change will not significantly impact conditions because more water will remain instream and there will be no expansion of the historically diverted flow rate and volume. Watering stock from a remote tank will also reduce the potential for stream bank erosion from cattle drinking directly from the creek.

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 significant impact identified.

The rights being changed is from surface water. The use of water under this change will not have any significant impact on groundwater quality or supply.

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 significant impact identified.

Water will be diverted through an existing diversion system consisting of a series of buried pipes and a ram pump. The Applicant is the only water user that utilizes this diversion system. The operation of this diversion system will not significantly impact the stream channel or the diversion of water by other users.

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 significant impact identified.

The Montana National Heritage Program's website was queried on January 19, 2017. Results are summarized below:

- Animal Species of Concern – three (3): Wolverine, Cassin's Finch, Yellowstone Cutthroat Trout.
- Animal Potential Species of Concern – None
- Animal Special Status Species – one (1): Bald Eagle
- Plant Species of Concern – two (2): Whitebark Pine, Fan-leaved Fleabane
- Plant Potential Species of Concern – None
- Plant Special Status Species – None

This change is only proposing to add a stock tank to an existing water right. More water will be allowed to flow instream, which may benefit the ecosystem via a reduction of the volume of water diverted.

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: Not applicable.

According to a November 24, 2017, search of the USFWS Wetlands Mapper, there are no wetlands in the project area.

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

Determination: Not applicable.

There are no ponds involved in this 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 significant impact identified.

Watering stock from a tank should not affect soil characteristics significantly. There may be some impacting of soils near the tank, however, this should not be significant and contained to a very small area. A November 24, 2017, search of the NRCS WSS site did not identify any saline seeps in the area.

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 significant impact identified.

A small area will be disturbed by livestock congregating around the tank, but this should have no significant impact on the surrounding area's vegetative cover and neither should it allow the establishment of noxious weeds. Under Montana law, owners are responsible for noxious weed control 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.

This project will not impact air quality.

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: Not applicable.

The project is not located on State or Federal Lands. Furthermore, the Applicant made no mention of significant historical or archeological sites on the property.

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 identified.

The operation of this system does not use any energy as the ram pump utilizes a gravity fed system. No additional impact identified.

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 significant impact.

This change shall not allow any expansion of historic use without mitigation measures. The Applicant plans to water a smaller number of animals than originally claimed using a system in which excess water is returned immediately to the source. There will be no expansion of historically diverted flow rate of volume which will not create any significant 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.*

Determination: No impact identified.

This change is located on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

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

Determination: No impact identified.

Adding an additional stock tank to this Statement of Claim will not impact human health.

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 identified.

The project does not impact government regulations on private property rights.

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 impacts identified.

(*b)* *Local and state tax base and tax revenues?* No impacts identified.

(c) *Existing land uses?* No impacts identified.

(*d)* *Quantity and distribution of employment?* No impacts identified.

(e) *Distribution and density of population and housing?* No impacts identified.

(f) *Demands for government services?* No impacts identified.

(g) *Industrial and commercial activity?* No impacts identified.

(h) *Utilities?* No impacts identified.

(i) *Transportation?* No impacts identified.

(j) *Safety?* No impacts identified.

(k) *Other appropriate social and economic circumstances?* No impacts identified.

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:*** Any water not stored in the tank under this change must be immediately returned to the source.

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 "no action" alternative would be to continue watering stock directly from Indian Creek. This could lead to an increase in streambank erosion and sedimentation of the creek.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the change application if Applicant has proven the criteria of 85-2-402, MCA.

2 ***Comments and Responses:*** None at this time.

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:

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

Name: Brant Lumpkin
Title: Water Resource Specialist
Date: 11/24/2017