

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: **Wilks Ranch Montana LTD
PO Box 1288
Bozeman MT, 59771**
2. Type of action: **Application for Beneficial Water Use Permit No. 40B 30107307**
3. Water source name: **Groundwater**
4. Location affected by project: **The project is in Fergus County. The project is generally located about 16 miles southwest of Grass Range, Montana.**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicant proposes to divert groundwater by means of three developed springs, at a combined flow rate of 115 gallons per minute (GPM) and volume of 49.97 acre-feet (AF). The spring developments will all divert water from the same source aquifer (shallow groundwater issuing from thin surficial sediments in the Hackshaw Creek drainage), and will be manifolded to serve several places of use and purposes of use. Two of the developed springs/diversion points are located in the SWSENW Section 35, and the third spring is in the NWNWSE Section 35, all in T13N, R21E.

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

**Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper**

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.**

The source of supply for this application is groundwater; therefore, it has not been identified as a chronically or periodically dewatered stream by DFWP. Depletions of up to 49.97 AF are anticipated from the Flatwillow Creek drainage. No significant impacts on water quantity are anticipated.

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.**

Applicant proposes to divert groundwater by means of three developed springs, at a combined flow rate of 115 gallons per minute (GPM) and volume of 49.97 acre-feet (AF). As such, the source has not been listed as a water quality impaired or threatened stream by DEQ. No significant impacts to water quality are anticipated during the filling of stock water tanks, domestic use, lawn/garden, fishery purpose and fire protection.

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.**

Applicant proposes to divert groundwater by means of three developed springs, at a combined flow rate of 115 gallons per minute (GPM) and volume of 49.97 acre-feet (AF). Depletions of up to 49.97 AF are anticipated from the Flatwillow Creek drainage. No significant impacts to adjacent surface water flows are anticipated.

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.**

Applicant proposes to divert groundwater by means of three developed springs, at a combined flow rate of 115 gallons per minute (GPM) and volume of 49.97 acre-feet (AF). The spring developments will all divert water from the same source aquifer (shallow groundwater issuing from thin surficial sediments in the Hackshaw Creek drainage), and will be manifold to serve several places of use and purposes. The diversion works are already in place; therefore, no impacts that haven't already occurred are anticipated. Channel impacts, impacts to flow modifications, barriers, riparian areas, dams, or well construction are not anticipated.

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.**

The Montana National Heritage Program lists 5 Species of Concern and no plant Species of Concern within Township 13 North, Range 21 East. The common names for the species include the Hoary Bat, Northern Goshawk, Great Blue Heron, and Cassin's Finch. The Northern Redbelly Dace is the only fish that is listed. The USDI Fish & Wildlife Service Website also lists the Canada Lynx as threatened and the Black Footed Ferret as an endangered species. With the exception of the larger pond, the majority of the construction associated with this permit is complete and no impacts to any of these species are expected.

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 Significant Impact.**

The National Wetlands Inventory website shows there are no Wetlands or Riparian areas through the Applicant's claimed places of use. No significant impacts to wetlands are expected from this change application.

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

Determination: **No Significant Impact.**

This project involves two ponds. Depletions of up to 49.97 AF are anticipated from Flatwillow Creek. No significant impact to wildlife, waterfowl, or fisheries is anticipated.

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.**

Potential cumulative impacts associated with the construction activities could have created a minor impact on the soils on the places of use, but there will be no further impacts than what has already occurred. It is not anticipated that any significant impacts to geology, soil quality, stability and moisture would result from the proposed action because this project is to fill stock water tanks, domestic use, lawn/garden, fishery and fire protection.

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.**

The majority of the construction associated to this project was completed prior to this application. Any impacts to existing cover will have already occurred. Normal weed management can be used to control noxious weeds potentially invading disturbed areas due to construction activities; therefore, no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner to control 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 Significant Impact.**

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal; the springs gravity feed an underground tank and the pump is driven by an electric powered motor.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: **N/A – 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 Significant Impact.**

No additional impacts are anticipated.

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.**

No locally adopted environmental plans or goals have been identified.

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 Significant Impact.**

The proposed action is consistent with livestock, domestic, lawn/garden and fire protection practices in the area.

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

Determination: **No Significant Impact.**

No impacts to human health have been identified.

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 known 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? **No significant impact from the additional proposed purposes.**
- (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.

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: Deny the application. This alternative would result in no authorized water use by the Applicant based on the current application.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

2 Comments and Responses

None Received.

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:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Michael Everett

Title: Water Resources Specialist – LRO

Date: 3/2/2018