

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: **Applicant:**
WEST BOULDER HOLDINGS LLC &
BURNT LEATHER HOLDINGS LLC
46 W BOULDER RD
MCLEOD, MT 59052

2. Type of action: **Application to Change an Existing Water Right No. 43BJ 30122448.**

The project proposes to add two stock tanks and to add a point of diversion on the West Boulder River to two off stream stock tanks.

3. Water source name: **West Boulder River.**

4. Location affected by project: **The project is located in Park County, MT**

The claimed place of use is a reach of stream located in the W2 of Sec. 9, T3S, R12E and Sec. 4, T3S, R12E all in Park County.

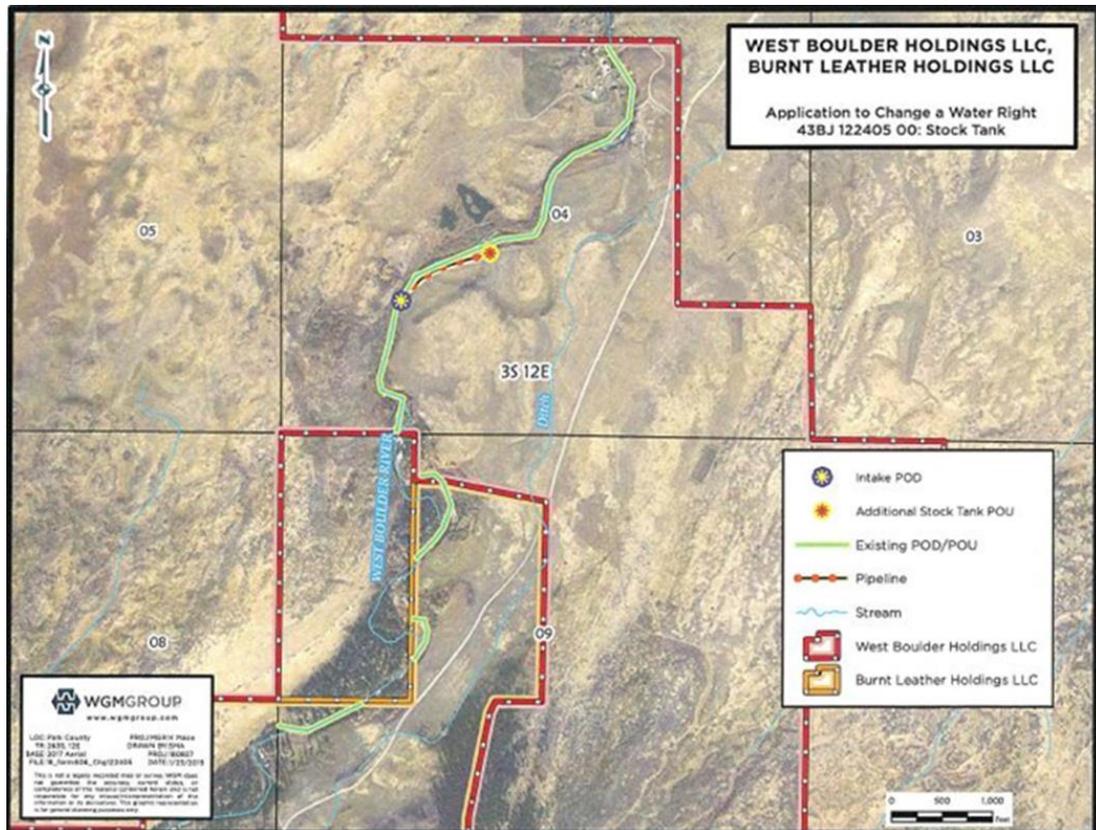


Figure 1: Map of location affected by project.

- Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The project proposes to add two stock tanks and to add a point of diversion on the West Boulder River to two off-stream stock tanks. The proposed point of diversion (perforated pipe intake) is located in the SENWSW, Sec. 4 T3S, R12E, all in Park County. The places of use are located in the SENESW, Sec. 4 T3S, R12E. The claimed place of use is a reach of stream located in the W2 of Sec. 9, T3S, R12E. The project is generally located 20 miles southeast of Livingston, Montana. The existing direct from source point of diversion and place of use will continue to be used.

Department shall issue a change authorization if the Applicant proves the criteria in §85-2-402, MCA, are met.

- 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**

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 water for 43BJ 122405 is surface water. The West Boulder River is not identified as a chronically or periodically dewatered stream. There is a low likelihood that this project will have a significant impact on water quantity; demands on the hydrologic system are not expected to change.

***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.**

This change is to add two stock tanks to an existing Statement of Claim. As such, the source has not been listed as a water quality impaired or threatened stream by DEQ. There is a low likelihood that the new tanks will have a significant impact on water quality.

***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.**

This proposed project will have no impacts to groundwater quality or supply. The source is surface water. The flow rate for the Statement of Claim will be 35 GPM and will service the same number of animal units, 850.

***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.**

The Applicant is adding stock tanks to a Statement of Claim with stock direct from source as the point of diversion. The source of water is the West Boulder River and the point of diversion conveys approximately 35 GPM to the stock watering system. The stock tanks

have a float valve system installed and water diversion will stop when the tanks are full. 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 16 Species of Concern within Township 3 South, Range 12 East. The common names for the species include the Townsend's Big-eared Bat, Wolverine, Hoary Bat, Canada Lynx, Grizzly Bear, Golden Eagle, Veery, Brown Creeper, Evening Grosbeak, Peregrine Falcon, Cassin's Finch, Harlequin Duck, Clark's Nutcracker, Green-tailed Towhee, Greater Sage Grouse, and the Yellowstone Cutthroat Trout. Also, the Striate Disc (Invertebrate) was listed. All construction associated with this change application is complete and the place of use has been previously disturbed by grazing practices; no impacts to any of these species are expected. The USDI Fish & Wildlife Service Website also lists the Black Footed Ferret as a threatened or endangered species.

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 Freshwater Emergent Type Wetlands through a portion of the Applicant's claimed places of use. No significant impacts to wetlands are expected from this change application. The wetlands may benefit from the cattle watering away from any riparian areas.

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

Determination: **No Significant Impact.**

This project does not involve a pond. No 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 construction is complete and 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 simply to add stock water tanks to an existing system, and the project has already been completed.

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.**

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 system is gravity fed.

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 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 stock tanks.**
- (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 change to the existing water rights for irrigation.

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 – BRO

Date: 10/3/2019