

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:

KAYLENE M. LARSON REVOCABLE TRUST
KAYLENE M. LARSON ETAL CO-TRUSTEES
PO BOX 728
BYNUM, MT 59419-0728

2. Type of action:

Application to Change Water Right – Additional Stock Tanks 41O 30123216

3. Water source name:

Foster Creek

4. Location affected by project:

The proposed project is to change the means of diversion, for only one diversion, from stock direct to pump for the diversion in the SESWSE of Section 31 T26N R5W. The Applicant proposes to use a solar pump to pump water to a 3,000 gallon tank and then pipe water via gravity to a 1,000 gallon tank at 25 GPM. The tanks will be located approximately 100 feet from Foster Creek. Livestock will continue to drink directly from the source from the other diversions.

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

The Applicant proposes to change the means of diversion, for only one diversion, from livestock direct from source to a pump and pipeline that supplies water to two stock tanks. Stock will continue to drink direct from the source for the remaining points of diversion. The Applicant's two proposed tanks will be located approximately 100 feet from Foster Creek in the SESWSE of Section 31 T26N R5W. A proposed flow rate of 25 gallons per minute (GPM), up to 8.4 acre-feet per year (AF), will be diverted by the proposed pump and livestock drinking directly from Foster Creek. The proposed project is intended to minimize livestock disturbance to Foster Creek in this location where pooling is common.

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 Department of Fish, Wildlife, & Parks (DFWP)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program Species of Concern Report
National Resource Conservation Service (NRCS) Web Soil Survey

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.

The applicant proposes to divert water from Foster Creek. Foster Creek has not been identified as chronically or periodically dewatered by the DFWP. The proposed appropriation of 25 gallons per minute (gpm) up to 8.4 acre-feet (AF) per year has been determined to be both the historic and proposed usage therefore there should be no change in the quantity of water in Foster Creek.

Determination: No significant impact

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.

Foster Creek has not been assessed for beneficial use by DEQ. Foster Creek is not listed as water quality impaired or threatened by DEQ. It is not anticipated that the Applicant's proposed use will have any negative impact, rather, the switch from livestock direct to stock tanks for one of the diversions is intended to lessen degradation to source.

Determination: No significant impact

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.

The source of water is Foster Creek and has been in use since 1916; according to the priority date of the water right involved in this Change Authorization. No new impact to groundwater quality or supply are expected. No impacts to adjacent surface waters are expected.

Determination: No significant impact

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.*

The proposed pump diversion works was designed to minimize disturbances to the diversion in SESWSE Sec.31, where pooling water is common. The Applicant proposes to change the means of diversion from livestock direct from source to a pump and pipeline that will supply water to two stock tanks. Use of stock tanks will reduce the impacts of cattle on the source in this location.

Determination: No significant impact

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.”*

The Montana National Heritage Program website was reviewed to determine if there are any “threatened” or “endangered” fish, wildlife, plants or aquatic species that could potentially be impacted by this project. “Species of special concern” were also included in this search.

According to the Montana National Heritage Program, 3 fish species of concern located in Section 31 Township 26N, Range 5W. The proposed project is not expected to negatively impact any of the species of concern listed below.

Fish species include:

- ***Culaea inconstans***
Brook Stickleback
- ***Chrosomus eos x Chrosomus neogaeus***
Northern Redbelly X Finescale Dace
- ***Chrosomus eos***
Northern Redbelly Dace

Determination: No significant impact

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

No wetlands were identified within the project area.

Determination: No significant impact

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

No ponds exist within the project area.

Determination: No significant impact

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.

According to NRCS Web Soil Survey, the soil within the project area are mainly Saypo-Tetonview complex, 0 to 2 percent slopes, rarely flooded. The stability of the soil profile and moisture content will not be significantly altered. No degradation of soil quality shall occur.

Determination: No significant impact

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.

Any impacts to existing vegetation will be within the range of current disturbances due to current land use practices. Noxious weeds are not expected to be established or spread due to the proposed project.

Determination: No significant impact

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

No deterioration of air quality or adverse air quality impacts from increased air pollutants are not expected due to this project. No air pollutants were identified as resulting from the applicants proposed use.

Determination: No significant impact

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.

The proposed place of use is on private land - NA-project not located on State or Federal Lands.

Determination: No significant impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

No additional impacts to land, water, or energy have been identified and no further impacts are anticipated

Determination: No significant impact

HUMAN ENVIRONMENT

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

This project is located in an area where livestock have been grazed for over 100 years. The proposed use is within the intended use for this area.

Determination: No significant impact

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.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities, as it is on private property. The proposed place of use and diversion do not exist on land designated as wilderness

Determination: No significant impact

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

The proposed project creates no significant negative impact on human health.

Determination: No significant impact

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 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? None identified
- (b) Local and state tax base and tax revenues? None identified
- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified
- (e) Distribution and density of population and housing? None identified
- (f) Demands for government services? None identified
- (g) Industrial and commercial activity? None identified
- (h) Utilities? None identified
- (i) Transportation? None identified
- (j) Safety? None identified
- (k) Other appropriate social and economic circumstances? None identified

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:* None identified

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 only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the Applicant to change water right 41O 157755-00.

PART III. Conclusion

1. Preferred Alternative

Issue Change Authorization – Additional Stock Tanks 41O 30123216, if the Applicant proves all criteria in § 85-2-402, MCA are met.

2 Comments and Responses

None

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 related to the proposed project have been identified.

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

Name: Jennifer Daly

Title: New Appropriations Specialist

Date: 08/30/2019