

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: Jody & Tamaira Wacker
PO Box 303
Melstone, MT 59054

2. Type of action: Application to Change an Existing Water Right No. 40C 30124563

3. Water source name: Musselshell River

4. Location affected by project:
NESWSW Section 29, Township 10N, Range 30E, Musselshell County
SESWNE Section 29, Township 10N, Range 30E, Musselshell County
SWNENW Section 28, Township 10N, Range 30E, Musselshell County
SESENE Section 33, Township 10N, Range 30E, Musselshell County
SESENE Section 33, Township 10N, Range 30E, Musselshell County
NESESE Section 34, Township 10N, Range 30E, Musselshell County
SESENE Section 35, Township 10N, Range 30E, Musselshell County
SESWSW Section 33, Township 10N, Range 30E, Musselshell County
SENENW Section 4, Township 9N, Range 30E, Musselshell County
S2NWSE Section 4, Township 9N, Range 30E, Musselshell County
NWSWSE Section 4, Township 9N, Range 30E, Musselshell County

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

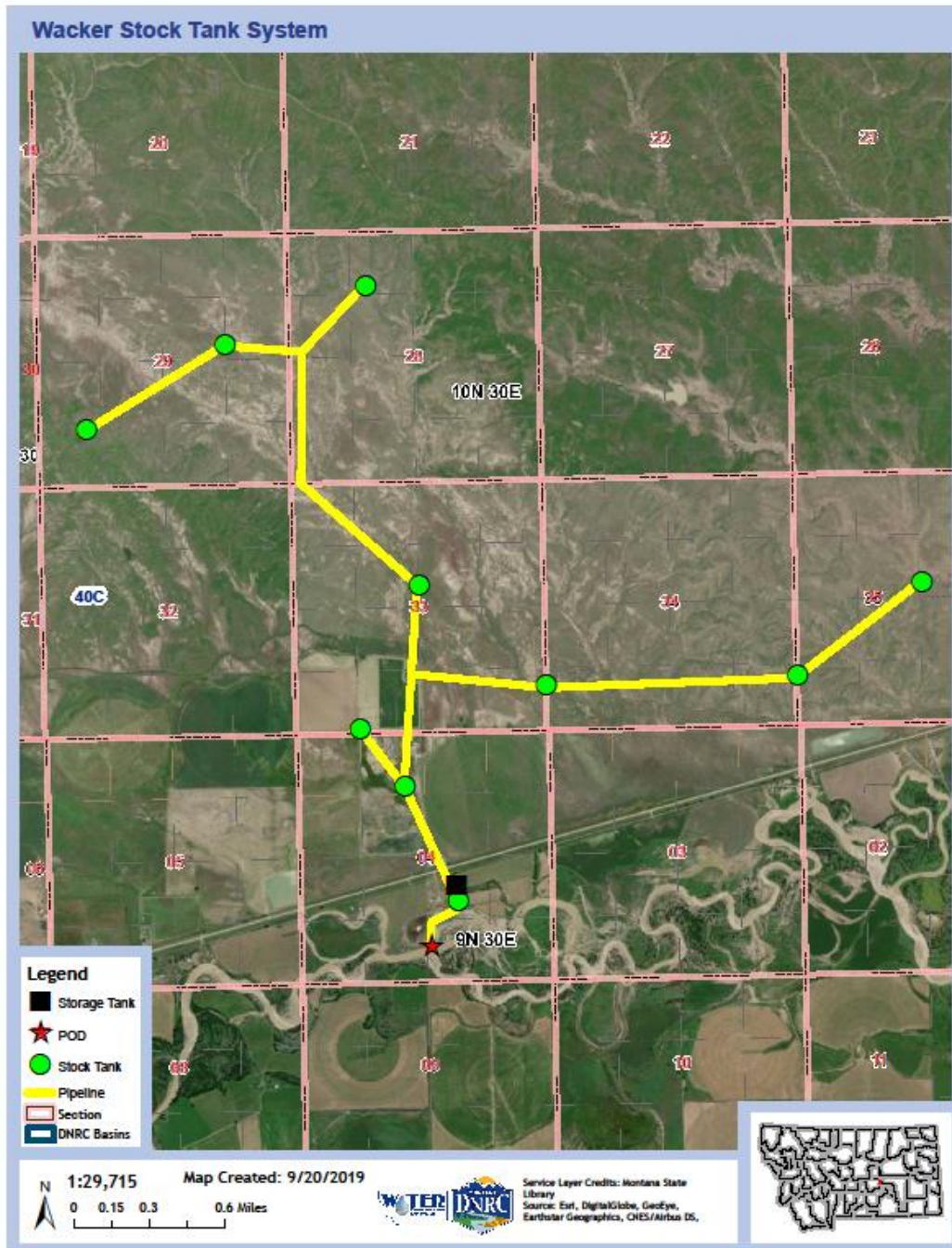
The Applicant is proposing to add 10 stock tanks to a livestock direct from source water right for better pasture management. The proposed diverted flow rate of the stock tank system is 10 gallons per minute (GPM). Water will be diverted to a storage tank which will then feed the stock tank system. The change proposal keeps the historical livestock direct from source points of diversion and places of use on the Musselshell River, however, this project will improve grazing practices and not require direct river access for stock to get water. Water quality of groundwater in the area is a concern and stock currently migrate back to the river to drink rather than drink well water. The proposed point of diversion for the stock tank system will be in the NWSWSE Section 4, Township 9N, Range 30E, Musselshell County. The proposed stock tank places of use will be as follows:

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SESWNE Section 29, Township 10N, Range 30E, Musselshell County
SWNENW Section 28, Township 10N, Range 30E, Musselshell County

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SESWSW Section 33, Township 10N, Range 30E, Musselshell County
SESENE Section 4, Township 9N, Range 30E, Musselshell County
S2NWSE Section 4, Township 9N, Range 30E, Musselshell County

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

Montana Natural Heritage Program
National Wetlands Inventory
Montana Dept. of Environmental Quality
Montana Dept. of Fish, Wildlife, & Parks



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 the Musselshell River. The Musselshell River downstream of Deadman's Basin supply canal is identified by DFWP as chronically dewatered. The Applicant has an existing livestock direct from source water right from the Musselshell River with a priority date of 12/31/1880. The Applicant is not proposing to divert any more water than was historically diverted, they are just proposing to increase access to water for stock in their pastures so that stock do not have to migrate to the river to get water.

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.

The Musselshell River is identified by DEQ as fully supporting primary contact recreation and not fully supporting aquatic life. Impairment causes include alteration in stream-side vegetative cover likely due to grazing in riparian zones. The Applicant's proposal to divert water to stock tanks should help keep stock away from the river and could potentially improve the riparian zone on the Applicant's property along the Musselshell River.

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 project is for surface water and should not have any impact to groundwater.

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 a diversion to divert water to stock tanks. The diversion will consist of a pumping plant on shore with an intake in the river. The NRCS designed the stock tank system and has requirements that the disturbed area will be stabilized to control erosion. There should not be any significant impacts related to diversion construction and installation.

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 Natural Heritage Program identified a list of 13 animal species of concern within the township and range that the project is in. Of this list, none of the animals are listed as “threatened” or “endangered” by the US Fish & Wildlife Service. No plant species of concern were identified by the Montana Natural Heritage Program to potentially be in the project area. This project area has already been used as a grazing pasture for cattle; this project is just to provide additional water sources to the pasture. It is not anticipated that any of the species of concern will be impacted by the proposed project.

Black-tailed Prairie Dog	Golden Eagle	Great Blue Heron	Greater Sage-Grouse	Ferruginous Hawk
Chestnut-collared Longspur	Loggerhead Shrike	Sage Thrasher	Brewer’s Sparrow	Great Plains Toad
Spiny Softshell	Plains Hog-nosed Snake	Sauger		

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 did not identify any wetlands within the areas that stock tanks or pipeline will be installed. The proposed pumpsite is located around freshwater emergent wetlands. No significant impacts to wetlands are expected from this change application since the proposal should do a better job of keeping stock out of the riparian area of the Musselshell River. Historically, stock have had to come to the river for water.

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 disturbance associated with the construction activities could create a minor impact on the soils within the place of use. 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 put in a stock watering system in existing stock pasture.

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.

This project is located on land owned or leased by the Applicant. It will be their responsibility to manage noxious weeds and vegetative cover in their pastures.

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.

There will be no impact to air quality associated with authorization of the proposed change.

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 other potential impacts have been 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 known environmental plans or goals will be impacted by this project.

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 access or recreational activities will be impacted by this project.

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

Determination: 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 regulatory impacts are known.

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 impacts identified
- (b) Local and state tax base and tax revenues? No significant impacts identified
- (c) Existing land uses? No significant impacts identified
- (d) Quantity and distribution of employment? No significant impacts identified
- (e) Distribution and density of population and housing? No significant impacts identified
- (f) Demands for government services? No significant impacts identified
- (g) Industrial and commercial activity? No significant impacts identified
- (h) Utilities? No significant impacts identified
- (i) Transportation? No significant impacts identified
- (j) Safety? No significant impacts identified
- (k) Other appropriate social and economic circumstances? No significant 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*: None

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 put in a stock watering system consisting of a diversion pump and tanks.

PART III. Conclusion

1. *Preferred Alternative*

Issue a change authorization if the Applicant proves the criteria in 85-2-402, MCA, are met.

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 to the proposed project have been identified.

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

Name: Nathaniel T. Ward

Title: Program Specialist-New Appropriations

Date: September 26, 2019