

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:

Applicants:

MORSE LAND COMPANY, LLC

Attorney

MORSE LAND COMPANY, LLC
% ABIGAIL BROWN
ARB LAW GROUP
7 WEST 6TH AVE. SUITE 512
HELENA MT, 59601

2. Type of action: APPLICATION TO CHANGE WATER RIGHT NO. 41B 30129303

3. Water source name: GROUNDWATER

4. Locations affected by project: Applicant proposes to change Statement of Claim No. 41B 194261-00. The proposed system includes a developed spring with a pipeline and stock tanks. Groundwater is conveyed via a pipeline to three new proposed stock tanks and three existing stock tanks. The new places of use are located in the NWNWNE, SENESW Sec. 19, and the NWNESW Sec. 30, T5S, R5W all in Madison County. The existing places of use will remain the same and are located in the NWNWNE, SENESW Section 19, T5S, R5W, and the NWNESW, Section 30, T5S, R5W all in Madison County.

Morse Land Co. - Form 606 (Stock tanks)

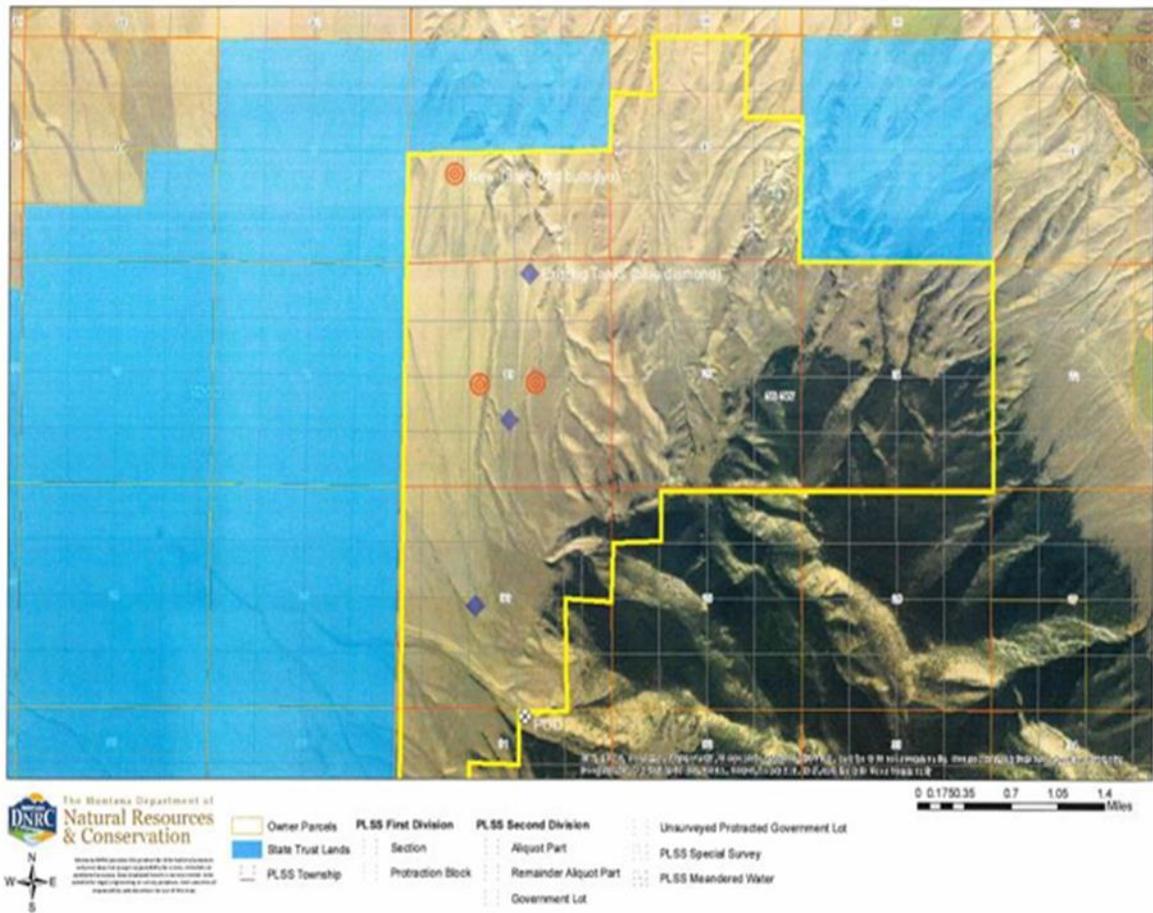


Figure 1: Map of the proposed change.

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

The proposed project is to add three stock tanks to a stock watering system that has three existing stock tank places of use (six stock tanks total upon approval of the change). The proposed system includes a developed spring with a pipeline that conveys appropriates groundwater to stock tanks. The new places of use are located in the NWNWNE, SENESW Sec. 19, and the NWNESW Sec. 30, T5S, R5W all in Madison County. The existing places of use will remain the same and are located in the NWNWNE, SENESW Section 19, T5S, R5W, and the NWNESW, Section 30, T5S, R5W all in Madison County.

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

6. Agencies consulted during preparation of the Environmental Assessment:

- Montana Department of Fish, Wildlife & Parks (FWP) – FISHMT
 - <http://fwp.mt.gov/fish/>

- 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 FWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impact identified.

The source of supply for this application is groundwater; therefore, it has not been identified as a chronically or periodically dewatered stream by DFWP. 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 identified.

This change is to add 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, the tanks will be located away from the source of supply.

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.

This project is not anticipated to use any more groundwater than has been used historically. The flow rate for the Statement of Claim will be 50 GPM and will service the same number of animal units.

The change should not significantly affect 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.

The Applicant is adding stock tanks to an existing system. The source of water is a developed spring that conveys approximately 50 GPM. 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.

Water will be diverted and conveyed in an amount that does not exceed historical practices and in an operation pattern that is similar to the historical one, so no significant impacts to channels, flows, barriers, or riparian areas are 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 identified.

The Montana National Heritage Program's website was queried on June 25, 2020, for species in Township 5 South, Range 5 West.

The MTNHP website identified the following animal species for both legal land descriptions:

- Seven (7) Animal Species of Concern: Long-billed Curlew, Burrowing Owl, Ferruginous Hawk, Sage Thrasher, Great Blue Heron, Brewer's Sparrow, and Clark's Nutcracker.
- Zero (0) Animal Potential Species of Concern.
- One (1) Animal Special Status Species: Bald Eagle.

The MTNHP website identified the following plant species:

- Two (2) Plant Species of Concern: Annual Indian Paintbrush and Slender Indian Paintbrush.
- Zero (0) Plant Potential Species of Concern.
- Zero (0) Plant Special Status Species.

This project should not significantly impact any of the species listed here.

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 identified.

A June 25, 2020, search of the USFWS Wetlands Mapper did not identify any wetlands within the project area.

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

Determination: Not applicable.

This project does not involve any ponds.

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 a minor impact on the soils at the places 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 add stock water tanks to an existing system.

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.

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 impact identified.

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.

No other demands on environmental resources of land, water, and energy 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 significant impact identified.

No impacts to human health 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 impact identified.

The project area 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.

This project 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 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 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 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:* 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 Applicant may not have any reasonable alternatives to the current process because changing the place of use of a water right requires an Authorization from the Department.

The no-action alternative would be to not to make any changes to their irrigation infrastructure.

PART III. Conclusion

1. *Preferred Alternative:* The preferred alternative is to grant the change application if the Applicant can prove that the 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: The EA is the appropriate level of analysis because the proposed project is to change the place of use of irrigation water rights. None of the identified impacts for any of the alternatives is significant as defined in ARM 36.2.524. No significant adverse effects are anticipated.

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

Name: Michael Everett

Title: Water Resource Specialist

Date: June 25, 2020