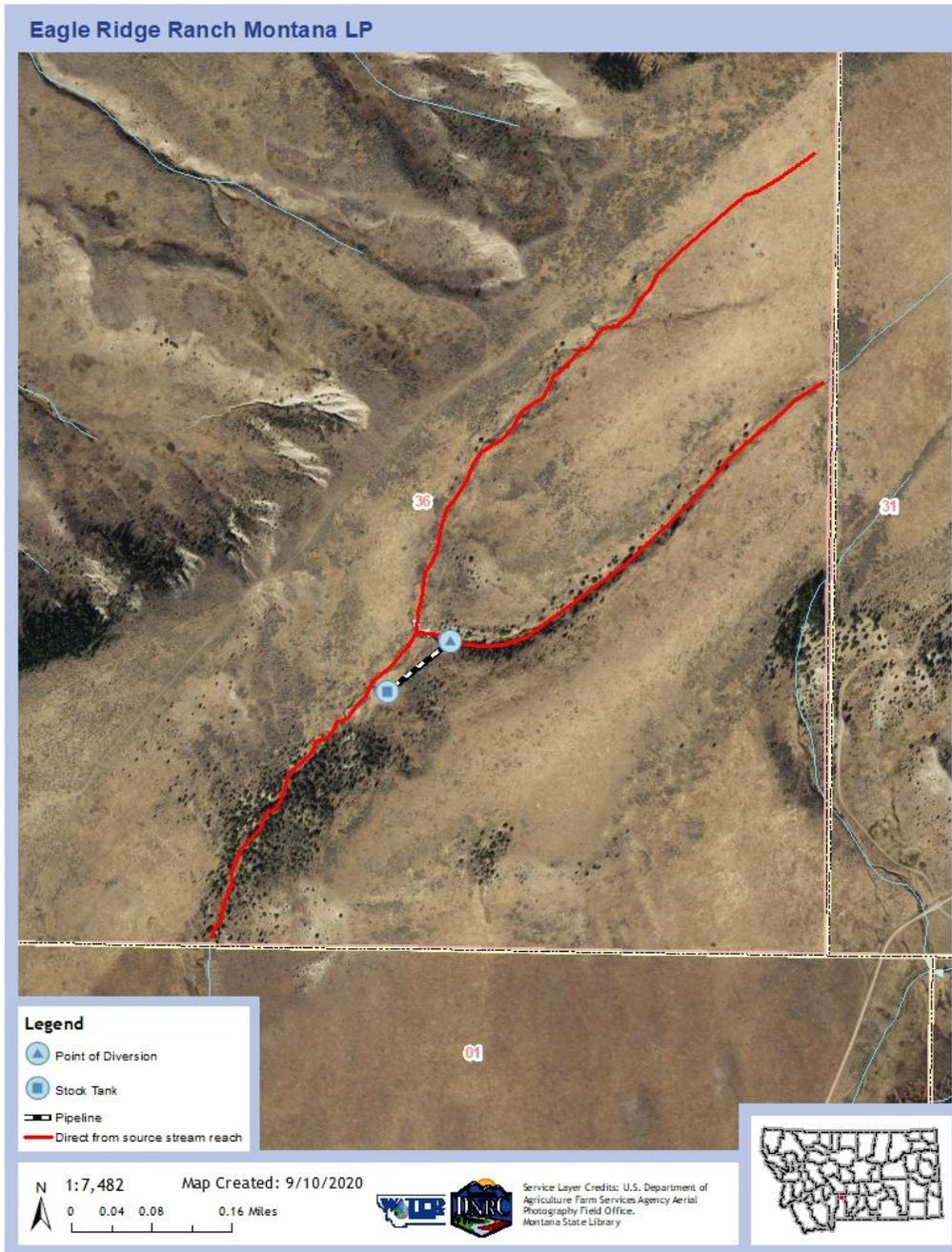


Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: EAGLE RIDGE RANCH MONTANA LP
1283 N 14th ST. SUITE 201
BOZEMAN, MT 59715
2. Type of action: APPLICATION TO CHANGE WATER RIGHT #43A 30145979
3. Water source name: UNNAMED TRIBUTARY TO DAISY DEAN CREEK
4. Location affected by project: Applicant proposes to change Statement of Claim No. 43A 30126769 to add one stock tank and one point of diversion. Water will be conveyed from an Unnamed Tributary to Daisy Dean Creek by gravity flow through a pipeline to a 500 gallon stock tank. Livestock will continue to drink directly from the source. The new point of diversion and place of use is SWNWSE, Section 36, T4N, R9E, Park County.



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

The proposed project will add one stock tank and one point of diversion to promote more efficient grazing and pasture management. The proposed system includes a 1.5 inch diameter pipeline that will convey water from an Unnamed Tributary to Daisy Dean Creek to a 500 gallon stock tank. Livestock will continue to drink directly from the stream. The proposed point of diversion and place of use are located in the SWNWSE, Section 36, T4N, R9E, Park County. The existing point of diversions and places of use will remain the same and are located as follows:

SENE Section 36, Township 4N, Range 9E, Park County
S2NE Section 36, Township 4N, Range 9E, Park County
N2SE Section 36, Township 4N, Range 9E, Park County
NWSWSE Section 36, Township 4N, Range 9E, Park County
E2SESW Section 36, Township 4N, Range 9E, Park County

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 Natural Heritage Program – Natural Heritage MapViewer
Montana Department of Fish, Wildlife and Parks – Dewatered Streams List (2005)
Montana Department of Environmental Quality – Impaired Waters Report (2018)
US Fish and Wildlife Service – National Wetlands Inventory
Natural Resources and Conservation Service – 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 Montana Department of Fish, Wildlife and Parks (DFWP). Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impact.

The source of supply for this application has not been identified as a chronically or periodically dewatered stream by DFWP. The historically consumed volume of water and the number of animal units served by this source are not changing. Therefore, the demands on the hydrologic system are not expected to change and there is low likelihood that this project will have a significant impact on water quantity.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by Montana Department of Environmental Quality (DEQ), and whether the proposed project will affect water quality.

Determination: No significant impact.

Daisy Dean Creek or the Unnamed Tributary to Daisy Dean Creek are not listed as water quality impaired or threatened by DEQ. Daisy Dean Creek is a tributary to the Shields River, which is

listed as Impaired for reasons that include sedimentation/siltation. The proposed project on the Unnamed Tributary of Daisy Dean Creek will provide an off-channel stock water source that will help reduce streambank impacts from grazing that can lead to erosion and sedimentation. Therefore, the proposed project will not have a substantial negative effect 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: Not applicable

The proposed project's source is surface water limited to the volume historically used.

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: Installation of the pipeline will have a minor impact on the riparian area. Operation of the stock tank will reduce grazing impacts to the riparian area.

The proposed project will use a 1.5 inch pipeline to divert water from the Unnamed Tributary to Daisy Dean Creek to a 500 gallon stock tank. Excess water will flow back to the source within the same stream reach used historically by stock drinking directly from the source.

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 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 Concern."*

Determination: No significant impact.

The Montana Natural Heritage Program website was referenced to determine if there are any threatened or endangered fish, wildlife, plants, or aquatic species or any Species of Concern within Township 7N and Range 9E of the proposed project area. The Great Blue Heron (*Ardea Herodias*), Greater Sage-Grouse (*Centrocercus urophasianus*), Bobolink (*Dolichonyx oryzivorus*), Brewer's Sparrow (*Spizella breweri*), and Yellowstone Cutthroat Trout (*Oncorhynchus clarkia bouvieri*) are listed as Species of Concern in the vicinity of the project area.

The proposed project will provide an off-channel water source for stock in addition to the historic practice of livestock drinking directly from the Unnamed Tributary of Daisy Dean Creek. A reason listed for the Great Blue Heron Species of Concern status is altered hydrology and grazing. In addition, the Yellowstone Cutthroat Trout is listed as a Species of Concern in part due to habitat loss. The proposed project may reduce grazing impacts to riparian areas that

support these species by providing an off-channel water source. Other listed Species of Concern are unlikely to be impacted by the proposed project. Overall, this project is unlikely to have a significant impact to the Species of Concern in the project area.

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.

No wetlands were identified within the project area using the US Fish and Wildlife Service National Wetlands Inventory Wetlands Mapper.

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

Determination: Not applicable.

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.

The diversion system consists of a pipeline and stock tank to serve the same number of animal units watered historically.

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 proposed project will continue to serve the same number of animal units that have been watered historically. No change in land use is proposed that would increase establishment of noxious weeds.

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 deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this project are expected.

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: No significant impact.

The same number of animal units will be served by the proposed stock tank and no change in land use is proposed.

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 significant impacts on other environmental resources of land, energy, and water from this proposed use were 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.

The proposed project is consistent with regional agricultural practices.

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 project is located entirely on private land owned by the applicant and is limited to the volume of water historically used for livestock watering.

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

Determination: No significant impact

No impact on human health from this proposed project was 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 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? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No significant secondary impacts identified.

Cumulative Impacts: No significant cumulative impacts identified.

3. *Describe any mitigation/stipulation measures:*

Water that is diverted to the stock tank but not consumed will be returned directly back to the Unnamed Tributary of Daisy Dean Creek within the same reach of stream where stock drank historically.

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 no action alternative would keep the only source of water for stock as direct from the stream. This does not provide any control over grazing patterns and stock would continue to impact the riparian area of the Unnamed Tributary of Daisy Dean Creek.

By adding the stock tank to the existing direct from source stockwater use, cattle have more consistent access to water outside of the stream channel and improves grazing management practices.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is the proposed alternative to allow the addition of a stock tank, in addition to the direct from source stock watering use to improve grazing practices.
2. ***Comments and Responses:*** None to report.
3. ***Finding:***
Yes ___ *No* ***X*** ___ *Based on the significance criteria evaluated in this EA, is an EIS required?* No EIS is required.

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified, therefore no EIS is required.

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

Name: Jack Landers

Title: Hydrologist / Water Resource Specialist

Date: September 28th, 2020