

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: Double C Ranch Holdings LLC
19050 S. Valley Rd
Lima MT 59739

DMS Natural Resources
c/o Deborah Stephenson
602 S. Ferguson Ave. Suite 2
Bozeman MT 59718
2. Type of action: Application to Change a Water Right Additional Stock Tanks (41A 30147256)
3. Water source name: Groundwater (un-named tributary of Winslow Creek)
4. Location affected by project: SESENE of Sec. 35, T14S, R3W, Beaverhead County
SWNENE of Sec. 35, T14S, R3W, Beaverhead County
SESWSW of Sec. 26, T14S, R3W, Beaverhead County

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

The Applicant proposes to add two stock tank places of use to a non-filed water project (a historical appropriation not adjudicated by the Montana Water Court). The Applicant has installed a pipeline system that will be gravity fed from the historical point of diversion, located in the SESENE of Sec. 35, T14S, R3W, Beaverhead County, to two stock tanks. Tank 1 is located in the SWNENE Sec. 35, T14S, R3W, and Tank 2 is located in the SESWSW Sec. 26, T14S, R3W, both in Beaverhead County. The source for the point of diversion was historically an undeveloped spring that has since been developed as of 2019. The livestock will continue to use the pasture but will no longer drink directly from the spring, and the water that was historically used at the spring will now be piped to the tanks.

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)

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 Impact

The source was formerly an undeveloped spring on private property that has since been developed as of 2019 and, per DNRC source water delineation protocol, is now considered groundwater.

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 Impact

The source is groundwater. The proposed project should not affect surface or groundwater 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 Impact

The historical source was an undeveloped spring on private property that has now been developed as a groundwater source. There should be no impact to surface water flows or quality and/or the supply of 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 Impact

The Applicant proposes to add two places of use to a non-filed water project. The Applicant has installed a 2" HDPE pipeline starting at the historical point of diversion, located in the SESENE of Sec. 35, T14S, R3W, Beaverhead County. The water will be gravity fed through the pipeline

approximately 1,400 ft from the point of diversion to two stock tanks. Tank 1 is located in the SWNE Sec. 35 T14S, R3W, and Tank 2 is located in the SESWSW Sec. 26 T14S, R3W, both in Beaverhead County. The source for the point of diversion was historically an undeveloped spring that was developed as of 2019. The livestock will continue to use the pasture but will no longer drink directly from the spring. The water that was historically used at the spring will now be piped to the tanks.

The pipeline system is currently in place. Changing the location of the point of diversion to stock tanks off stream will not affect channels, flows, barriers, dams, or well constructions.

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 Impact

The Montana Natural Heritage Program identified the following species of concern within the project area: Clark's Nutcracker, Grizzly Bear, Brewer's Sparrow, Little Brown Myotis, Westslope Cutthroat Trout, Hoary Bat, Wolverine, Greater Sage-Grouse, Whitebark Pine, Mealy Primrose, Alkali-marsh Ragwort, Dwarf Goldenweed, Cassin's Finch, Porcupine, Sage Thrasher, Evening Grosbeak, Golden Eagle, Short-eared Owl, Ferruginous Hawk, Bald Eagle, Great Blue Heron, Hooded Merganser, Trumpeter Swan, Long-billed Curlew, Black-crowned Night-Heron, Franklin's Gull, White-faced Ibis, Black-necked Stilt, Artic Grayling, Burbot, Forster's Tern, American White Pelican, Clark's Grebe, Common Loon, Horned Grebe, Yellowstone Cutthroat Trout.

For other *potential* species of concern, please see the complete species summary following this report

Moving stock direct from source to stock tanks in the same general area should not adversely impact any of the species of concern within this 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 Impact

There are no wetlands involved with this change.

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

Determination: No Impact

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 Impact

There is very low likelihood of soil degradation, alteration of stability or moisture content, or saline seep due to the proposed use of water.

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 Impact

The project area is located on private property; the Applicant is expected to prevent the establishment or spread of 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

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

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 Impact

The project is 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 Impact

There should be no significant impacts on other environmental resources of land, energy or water from this proposed use.

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 Impact

The proposed project is not inconsistent with any locally adopted environmental plans and goals for Beaverhead County

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

This project should have no impact on recreational or wilderness activities.

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

Determination: No Impact

There should be no significant impact on human health from the proposed use.

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

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 impact
- (b) Local and state tax base and tax revenues? No impact
- (c) Existing land uses? No impact
- (d) Quantity and distribution of employment? No impact
- (e) Distribution and density of population and housing? No impact
- (f) Demands for government services? No impact

(g) Industrial and commercial activity? No impact

(h) Utilities? No impact

(i) Transportation? No impact

(j) Safety? No impact

(k) Other appropriate social and economic circumstances? No impact

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: The applicant would be required to cease diverting water if a call is made by a senior water user.

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 proposed activity is reasonable, and is within accepted practices for stock water use. A no action alternative would mean that the applicant could not move the stock off the direct from source water.

PART III. Conclusion

1. Preferred Alternative To authorize the change to an existing non-irrigation water right.

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:

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

Name: Kristeen Wofford

Title: Water Resource Specialist

Date: September 4, 2020