Part I. Proposed Action Description

1. Applicant/Contact name and address: SKC Minerals LLC
   PO Box 6196
   Denver, CO 80206-6196

2. Type of action: Change Application for Additional Stock Tanks 41K 30154752

3. Water source name: Spring, Unnamed Tributary of Dry Creek

4. Location affected by project: Sections 21 & 22, T19N, R6W, Lewis and Clark County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
   Statement of Claim 41K 96493-00 is for livestock direct from source from a spring, unnamed tributary of Dry Creek. The Applicant will add 2 stock tank locations to the water right through this change authorization. Water from the spring is collected at a spring box in the NESENE Section 21, T19N, R6W, Lewis and Clark County. The water is conveyed from the spring box to the first tank location east of the spring box in the NESENE of Section 21, T19N, R6W and then on to a second stock tank location in the SENENW of Section 22, T19N, R6W. Water is gravity fed from the spring box to the stock tanks at a rate of 8 GPM. The spring box, gravity fed pipeline system, and stock tanks are already in place and operational. Livestock continue to drink directly from the spring in the NESENE Section 21, T19N, R6W as they have historically. No additional flow rate or volume are requested through this change application. 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 Natural Resources and Conservation
   Montana Department of Fish, Wildlife, and Parks
   Montana Department of Environmental Quality
   Montana Sage Grouse Habitat Conservation Program
   Montana Natural Heritage Program
   United States Natural Resource Conservation Service
   United State Fish and Wildlife Service

Part II. Environmental Review
1. **Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

### WATER QUANTITY, QUALITY AND DISTRIBUTION

**Water quantity** – The water source is a spring, unnamed tributary to Dry Creek. Dry Creek is not included on the DFWP list of chronically or periodically dewatered streams. The proposed use will not increase the flow rate or volume of water already appropriated through Statement of Claim 42K 96493-00 and will have no effect on water quantity.

**Determination:** No significant impact

**Water quality** – The DEQ Water Quality report does not include Dry Creek. The proposed plan to add stock tanks will not impair the water quality on this source. Piping some of the water to stock tanks will provide access to water without the cattle needing to drink directly out of the spring and could potentially improve water quality.

**Determination:** No significant impact

**Groundwater** – The addition of stock tanks to this existing use of a spring, unnamed tributary of Dry Creek will not have an impact on groundwater.

**Determination:** No significant impact

### DIVERSION WORKS

The existing water right 41K 96493-00 is for livestock direct from source from a spring, unnamed tributary of Dry Creek for 300 AU. Water from the spring is collected at a spring box consisting of a corrugated culvert in the NESENE Section 21, T19N, R6W, Lewis and Clark County. The water is conveyed from the spring box to the first tank location 260 feet east of the spring box in the NESENE of Section 21, T19N, R6W and then on to a second stock tank location approximately 2,670 feet east of the spring box in the SENENW of Section 22, T19N, R6W. Water is gravity fed from the spring box to the stock tanks at a rate of 8 GPM through 1.5-inch PVC pipeline buried approximately 2 feet deep. The stock tanks consist of 13-foot diameter tires with concrete bottoms. The tanks are not equipped with float controls or shut off valves. When the stock tanks fill, excess water overflows from the tanks and returns to the source, a natural channel running east from the spring. The spring box, gravity fed pipeline system, and stock tanks are already in place and operational. Livestock continue to drink directly from the spring in the NESENE Section 21, T19N, R6W as they have historically. The addition of the pipeline and 2 stock tanks to the existing water right is not likely to cause any significant impact.

**Determination:** No significant impact

### UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

**Endangered and threatened species** – According to the Montana Natural Heritage Program, there are 7 animal species of concern in the proposed project area. Animal species of concern include Grizzly Bear, Sprague’s Pipit, Golden Eagle, Ferruginous Hawk, Chestnut-collared
Longspur, Long-billed Curlew, and Thick-billed Longspur. The Montana Natural Heritage Program doesn’t list any plant species of concern. The proposed project is consistent with the current stock use of land in the area and is not likely to impact threatened or endangered species or create barriers to migration or movement of fish or wildlife.

* Determination:* No significant impact

**Wetlands** – The spring flows eastward through a drainage identified as freshwater emergent wetland by the US Fish and Wildlife Service National Wetlands Inventory. The two stock tanks for this project are located near but not within the area identified as wetlands.

* Determination:* No significant impact

**Ponds** – There are no ponds associated with the proposed project.

* Determination:* No impact

**Geology/Soil Quality, Stability and Moisture** – According to the USDA Natural Resources Conservation Service, the predominant soil type in the project area is Reeder-Regent-Cabba loams with 8 to 25 percent slopes. This soil type is well drained and nonsaline to very slightly saline. Another soil type in the project area is Fluvaquents and Fluvaquentic Haplustolls soils, 0 to 4 percent slopes. This soil type is poorly drained and nonsaline to very slightly saline. The addition of stock tanks on these soils is unlikely to cause significant impact on soil quality or stability.

* Determination:* No significant impact.

**Vegetation Cover, Quantity and Quality/Noxious Weeds** – Existing vegetative cover in the area is rangeland. The addition of stock tanks will improve range management and may reduce some impact to the drainage area caused by stock drinking directly from the spring. The installation of pipelines and tanks may contribute to the establishment and spread of noxious weeds. It is the responsibility of the property owner to monitor for and implement measures for noxious weed control.

* Determination:* No significant impact

**Air Quality** – The use of water from a developed spring for stock purposes will not impact air quality.

* Determination:* No impact

**Historical and Archeological Sites** – NA-project not located on State or Federal Lands.

* Determination:* Not applicable

**Demands on Environmental Resources of Land, Water, and Energy** - No additional demands on environmental resources are recognized.
Determination: No impact

**HUMAN ENVIRONMENT**

**Locally Adopted Environmental Plans and Goals** – There are no known locally adopted environmental plans or goals.

*Determination: Not applicable*

**Access to and Quality of Recreational and Wilderness Activities** – The proposed project is located on privately owned agricultural land. The project will not impact access to recreational or wilderness activities.

*Determination: No impact*

**Human Health** – No impacts to human health have been identified for the proposed irrigation project.

*Determination: No 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 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 secondary impacts are recognized

Cumulative Impacts: No cumulative impacts are recognized

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 alternative to the proposed project is the no action alternative. The no action alternative prevents the property owner from improving efficiency of the watering system and improving range management practices. The no action alternative does not prevent or mitigate any significant environmental impacts.

PART III. Conclusion

1. Preferred Alternative: Issue the change authorization if the applicant proves 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?

There are no significant impacts associated with the project so an environmental assessment is the appropriate level of analysis.

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

Name: Jill Lippard
Title: Water Resource Specialist
Date: 05/17/2022