

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: Bret Barney, Sunlight Ranch Company, PO Box 68, Wyola, MT 59089.
2. Type of action: Application to Change Water Right 43D 30072360
3. Water source name: Bear Creek
4. Location affected by project: Sections 6 and 7 T8S R22E, Section 36 T7S R21E, Carbon County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to add two stock tanks to the place of use for water right 43D 30022344. The new stock tanks are located in section 7 T8S R22E and section 36 T7S R21E, Carbon County. The stock tanks and piping are in place and included under Groundwater Certificate 43D 30072361 to which this water right is associated. 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 Fish, Wildlife and Parks
Montana Department of Environmental Quality
Montana Natural Heritage Program
United States Fish and Wildlife Service.
United States Department of Agriculture, Natural Resource Conservation Service
Montana Department of Natural Resources and Conservation, Trust Lands Division

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - The source of supply (Bear Creek) is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife and Parks. Because the change does not increase the flow rate or volume of water allocated from Bear Creek, the proposed addition of stock tanks will not adversely affect the source.

Determination: No Impact.

Water quality – The Montana Department of Environmental Quality lists Bear Creek as impaired, supporting drinking water and agricultural use but not supporting recreation and aquatic life. The source is not listed as threatened. Although the impairment may be due in part to rangeland grazing, the addition of stock tanks to an existing stock water right will not degrade existing water quality.

Determination: No Impact.

Groundwater – This change application does not include groundwater and the use of stock tanks will not affect groundwater quality or quantity.

Determination: No Impact.

DIVERSION WORKS – The diversion for this water right is an existing pump in Bear Creek. Water is pumped through pipes to stock tanks. No change in diversion is proposed and therefore no impacts will occur to channel pattern or aquatic migrations. The diversion and conveyance facilities for this application already exist and the additional stock tanks are permitted separately. Adding existing stock tanks to this water right will have no impact.

Determination: No Impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – There are nine animal species of concern listed by the Montana Natural Heritage Program. They include the Pallid Bat, White-tailed Prairie Dog, Golden Eagle, Great Blue Heron, Greater Sage Grouse, Pinyon Jay, Loggerhead Shrike, Plains Spadefoot, and Western Milksnake. The use of water appropriated from Bear Creek in two additional stock tanks distant from the source will have no impact on these species. No loss of habitat or barriers to movement will be created. Cattle are known to draw cowbirds and cowbirds are an invasive species with negative impact on native avian species. There are no plant species of concern in the proposed project area.

Determination: No Significant Impact.

Wetlands – There are no wetlands in the project area.

Determination: No Impact.

Ponds – There are no ponds in the project area.

Determination: No Impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – Over fifty percent of the project area is Rock outcrop – Travessilla complex, steep. The addition of stock tanks will not degrade the soil, cause saline seep or change soil stability.

Determination: No Impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The current vegetative cover consists of arid grasses, sagebrush and scrub junipers. No changes in vegetative cover are proposed and no disruption of the native vegetation is predicted. It will be the responsibility of the land owner to monitor and prevent the spread of noxious weeds.

Determination: No Impact.

AIR QUALITY – Addition of stock tanks has no potential to affect air quality.

Determination: No Impact.

HISTORICAL AND ARCHEOLOGICAL SITES – The stock tanks to be added are not on federal land. One of the stock tanks is on Montana State Trust Lands in section 36 T7S R21E, Carbon County. The DNRC archaeologist inspected the TLMD database for cultural resources in the area of potential effect. No cultural resources have been identified to date, so there should be No Effect to heritage properties.

Determination: No Impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No other impacts on environmental resources of land, water and energy not already addressed are recognized.

Determination: Not Applicable.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans and goals.

Determination: Not Applicable.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – There are no nearby recreational sites or wilderness areas. Adding stock tanks will not affect access to or quality of any recreational activity.

Determination: No Impact.

HUMAN HEALTH – Additional stock tanks have no potential to affect human health.

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: Not Applicable.

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: The use of existing stock tanks does not appear to have any secondary impact.

Cumulative Impacts: There are no pending applications in the area of the project and all uses are essentially for stock grazing. 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 only alternative to the proposed action is the no-action alternative. The no-action alternative has no benefits and prevents the applicant from providing water to his animals and beneficially using his grazing land.

PART III. Conclusion

7. 1. **Preferred Alternative:** issue a change authorization if an 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?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Because there were no significant impacts considered to result from the proposed project, an environmental assessment is the appropriate level of analysis and an environmental impact statement is not required.

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

Name: Mark Elison

Title: Hydrologist/Specialist

Date: 3/31/2015