

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:

MCCONE COUNTY CONSERVATION DISTRICT
PO BOX 276
CIRCLE, MT 59215

PRAIRIE ELK HUTTERIAN BRETHERN, INC.
1436 HWY 528
WOLF POINT, MT 59201

2. Type of action: Conservation District Application to Change Water Reservation No. 40S 30171258
3. Water source name: Missouri River
4. Location affected by project: Sections 15, 22, 23, 26, 27, 34, Township 26N, Range, 45E, McCone County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The Applicant seeks to add a point of diversion and place of use to Water Reservation (40S 84499-00) that were not included in the original water reservation public notice. The MCCD authorized the producer, Prairie Elk Hutterian Brethren, Inc., to use an unperfected portion of their water reservation. The portion authorized is shown in CD Record 40S 30171248, and is for 16 CFS up to 2,304 AF from the Missouri River by means of a pump for sprinkler irrigation covering up to 1,152 AC. The period of diversion and period of use are from April 1 to October 15 each year. The proposed POD is located in NENWSW, Section 15, Township 26N, Range, 45E, McCone County, and water is conveyed to the place of use by a pipeline. The proposed POU is shown in Table 1.

Table 1: Proposed Places of Use

Acres	Quarter-Section	Section	Township	Range	County	New/Supplemental
22.1	NWSE	15	26N	45E	McCone	New
21.7	NESE	15	26N	45E	McCone	New
38.4	SWSE	15	26N	45E	McCone	New
35.9	SESE	15	26N	45E	McCone	New
28.9	NWNE	22	26N	45E	McCone	New
32.1	NENE	22	26N	45E	McCone	New
17.1	NENW	22	26N	45E	McCone	New
2.0	NWNW	22	26N	45E	McCone	New
0.5	SWNW	22	26N	45E	McCone	New
29.2	SENW	22	26N	45E	McCone	New
39.5	SWNE	22	26N	45E	McCone	New
22.1	SENE	22	26N	45E	McCone	New
18.1	NESW	22	26N	45E	McCone	New
30.7	NWSE	22	26N	45E	McCone	New
13.5	NESE	22	26N	45E	McCone	New
39.3	SESW	22	26N	45E	McCone	New
1.4	SWSW	22	26N	45E	McCone	New
40.0	SWSE	22	26N	45E	McCone	New
33.6	SESE	22	26N	45E	McCone	New
30.9	NWNW	23	26N	45E	McCone	New
29.7	NENW	23	26N	45E	McCone	New
32.6	SWNW	23	26N	45E	McCone	New
30.5	SENW	23	26N	45E	McCone	New
14.5	NWSW	23	26N	45E	McCone	New
33.8	SWSW	23	26N	45E	McCone	New
28.0	SESW	23	26N	45E	McCone	New
9.9	NESW	23	26N	45E	McCone	New
18.9	NWSE	23	26N	45E	McCone	New
30.7	SWSE	23	26N	45E	McCone	New
38.0	NWNW	26	26N	45E	McCone	New
11.5	SWNW	26	26N	45E	McCone	New
19.7	SENW	26	26N	45E	McCone	New
34.8	NENW	26	26N	45E	McCone	New
13.0	SWNE	26	26N	45E	McCone	New
32.4	NESW	26	26N	45E	McCone	New
37.5	NWSE	26	26N	45E	McCone	New
7.9	SWSE	26	26N	45E	McCone	New
15.1	SESW	26	26N	45E	McCone	New
3.2	NWSW	26	26N	45E	McCone	New
39.5	SWSW	26	26N	45E	McCone	New
28.9	NENW	27	26N	45E	McCone	New
40.0	NWNE	27	26N	45E	McCone	New

22.5	NENE	27	26N	45E	McCone	New
3.5	SWNE	27	26N	45E	McCone	New
20.0	SESE	27	26N	45E	McCone	New
0.1	SENE	27	26N	45E	McCone	New
0.1	NESE	27	26N	45E	McCone	New
16.8	NENE	34	26N	45E	McCone	New
35.0	NWNW	35	26N	45E	McCone	New
6.9	NENW	35	26N	45E	McCone	New

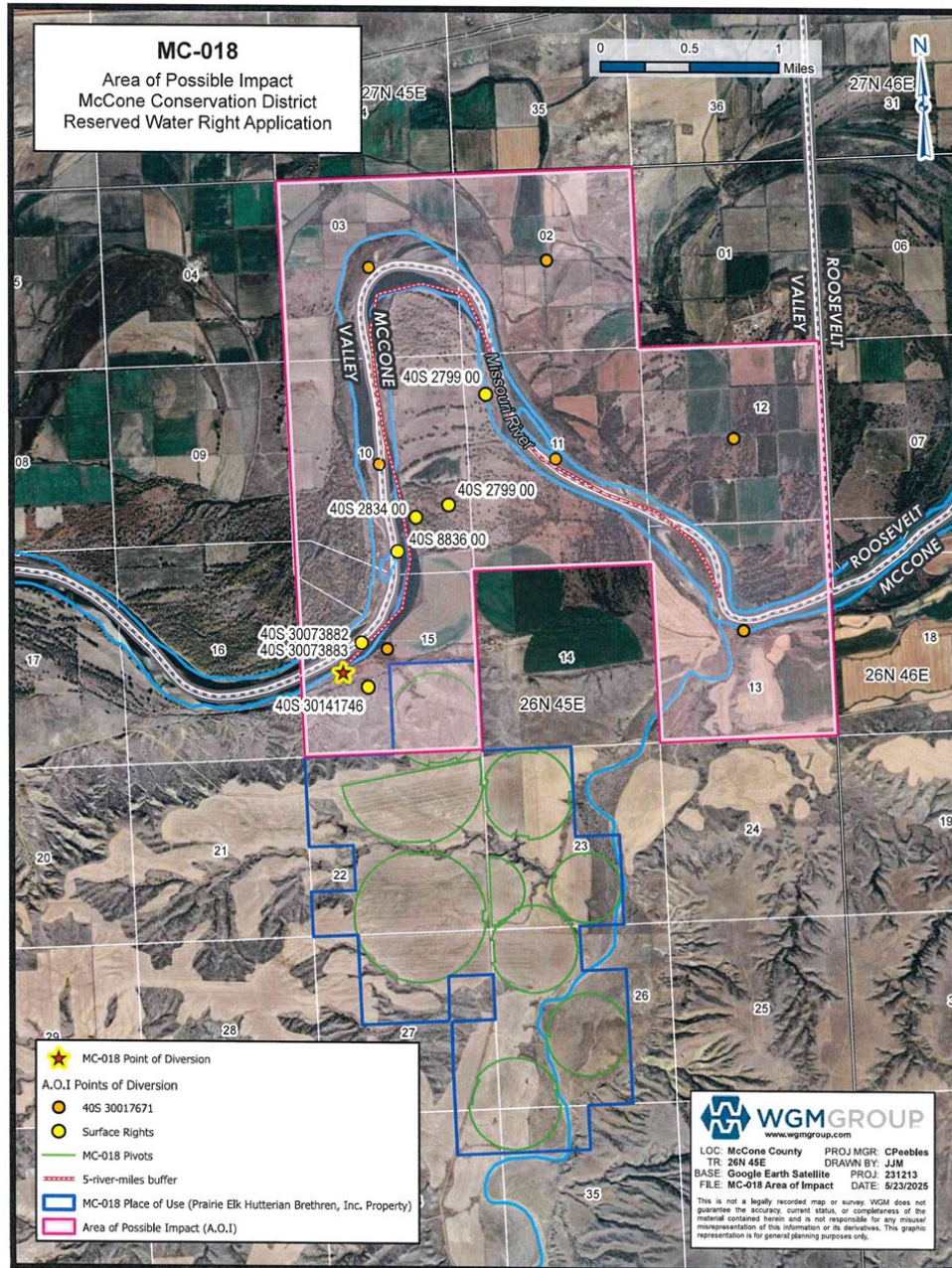


Figure 1: Applicant Provided Map Showing POD and POU. The area of possible impact on this map was identified by the Applicant for CD public notice and differs from the Department's APOI.

The DNRC shall issue an authorization to change if the applicant proves the criteria in 85-2-402, MCA are met.

6. Agency websites visited during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
 - Montana Department of Natural Resources and Conservation (DNRC)
 - US Fish & Wildlife Service
 - Montana Natural Heritage Program
 - Montana Department of Fish, Wildlife, & Parks
 - Montana Department of Environmental Quality
 - USDA Web Soil Survey
 - National Wetlands Inventory

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.*

The reach of the Missouri River is not identified as a chronically or periodically dewatered stream by the Department of Fish, Wildlife & Parks (FWP). Also, FWP holds an instream flow right on this section of the Missouri River for 5,178 CFS, effective year-round. Based on the flow requested and the FWP instream right, the proposed diversion is unlikely to alter the current condition of the river, therefore no significant impacts to water quantity related to this application have been identified.

Determination: No significant impact.

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.*

The reach of the Missouri River where the proposed POD is located is listed on the 2020 Montana 303(d) list as fully supporting agricultural and drinking water uses and not fully supporting aquatic life. It was not assessed for primary contact recreation. Causes of impairment for aquatic life is Fort Peck Dam which alters the natural hydrologic regime of the river and thus impacts aquatic and riparian habitat. The proposed project will not have any significant effect on water quality.

Determination: No significant impact.

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.*

The surface water appropriation should have no significant impact on groundwater in the area.

Determination: No significant impact.

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.*

The Applicant's producer proposes to divert water from the Missouri River by means of two electricity driven Cornell 10 RC centrifugal close-coupled pumps with a combined 275 HP and a total design supply flow rate of 7,200 GPM. The pump intake will be positioned on floating screens, and two Cornell 8H booster pumps will maintain pressure in the main supply pipe.

The pumping plant and booster system is capable of running up to 7 of the 9 total pivots simultaneously, while supplying at least 50 psi of pressure. The delivery force main system will consist of a buried PVC PIP pipe network ranging between 10-24 inches in diameter. Center irrigation pivots will be Valley brand (full and partial swing). The pivot coverages will range from 36 AC to 273 AC. The irrigation system was designed by Agri Industries, Inc.

The Applicant will install flow meters in the system to satisfy the measurement conditions resulting from this application.

The POD and approximately 0.3 miles of the proposed pipeline are located on land owned by the United States Department of the Interior (USDI) Bureau of Land Management (BLM). A Right-of-Way Grant/Temporary Use Permit was provided by the Applicant's producer from USDI BLM allowing access for the POD and pipeline until December 31, 2056.

Determination: No significant Impact

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."*

The Montana Natural Heritage Program identified a list of 19 species of concern that have been observed within and surrounding Sections 15, 22, 23, 26, 27, 34, Township 26N, Range, 45E, McCone County. Of this list, the Pallid Sturgeon is listed as endangered by the United States Fish, and Wildlife Service (USFWS) and Bureau of Land Management (BLM).



Latitude 47.95255
 Longitude -105.84232
 48.02407 -105.92346

Summarized by:
 (Custom Area of Interest)

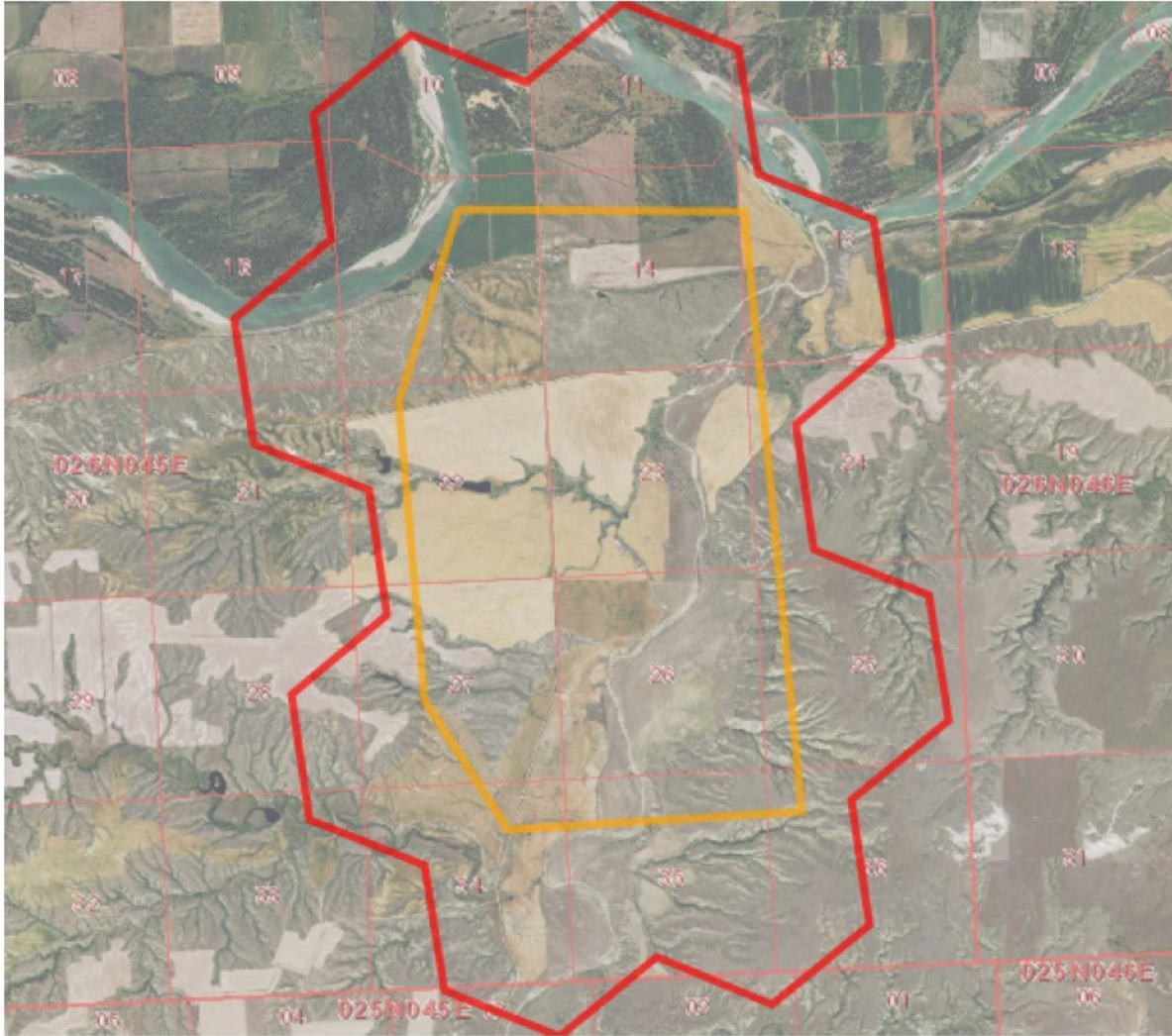


Figure 2: Area of Interest delineated on the Natural Heritage Map Viewer.

Table 2: Species of Concern		
Species Group	Common Name	Scientific name
Birds	Black-billed Cuckoo	Coccyzus erythrophthalmus
Birds	Red-headed Woodpecker	Melanerpes erythrocephalus
Birds	Least Tern	Sternula antillarum
Birds	Piping Plover	Charadrius melodus
Birds	Loggerhead Shrike	Lanius ludovicianus
Birds	Long-billed Curlew	Numenius americanus
Birds	Brewer's Sparrow	Spizella breweri
Fish	Iowa Darter	Etheostoma exile
Fish	Northern Redbelly Dace	Chrosomus eos
Fish	Northern Pearl Dace	Margariscus nachtriebi
Fish	Blue Sucker	Cycleptus elongatus

Fish	Pallid Sturgeon*	Scaphirhynchus albus
Fish	Sauger	Sander canadensis
Fish	Shortnose Gar	Lepisosteus platostomus
Fish	Sicklefin Chub	Macrhybopsis meeki
Fish	Sturgeon Chub	Macrhybopsis gelida
Mammals	Eastern Red Bat	Lasiurus borealis
Mammals	Silver-haired Bat	Lasionycteris noctivagans
Mammals	Northern Hoary Bat	Lasiurus cinereus

*Listed Endangered by the USFWS and BLM

Pallid Sturgeon are found in the Missouri River and use large, turbid rivers over sand and gravel bottoms, usually in strong current. They use all channel types but primarily use straight reaches with islands. The pumps will use floating screens with small footprints and are not anticipated to have an effect on Pallid Sturgeons.

The project is located within a General Habitat/Core Area for sage grouse which is listed as a sensitive species by the BLM. The BLM classifies a portion of this area as a General Habitat Management Area. Executive Orders 12-2015 and 21-2015 require Applicants to consult with the Montana Sage Grouse Habitat Conservation Program. Review letter dated March 3, 2025, found 152.37 acres of proposed irrigation are subject to mitigation, and a mitigation plan was provided for the Applicant.

Determination: Potential for impact to sage grouse habitat.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

The proposed project includes wetland habitat. According to the U.S. Fish and Wildlife Service National Wetlands Mapper, the wetlands habitats near the proposed irrigation are identified as:

Freshwater Emergent Wetland habitat (PEM1Ah)

- System **Palustrine (P)**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
- Class **Emergent (EM)**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.
- Subclass **Persistent (1)**: Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.

- Water Regime **Temporary Flooded (A)**: Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season.
- Special Modifier **Diked/Impounded (h)**: These wetlands have been created or modified by a man-made barrier or dam that obstructs the inflow or outflow of water.

Riverine habitat (R4SBC)

- System **Riverine (R)**: The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.
- Subsystem **Intermittent (4)**: This Subsystem includes channels that contain flowing water only part of the year. When the water is not flowing, it may remain in isolated pools, or surface water may be absent.
- Class **Streambed (SB)**: Includes all wetlands contained within the Intermittent Subsystem of the Riverine System and all channels of the Estuarine System or of the Tidal Subsystem of the Riverine System that are completely dewatered at low tide.
- Water Regime **Seasonally Flooded (C)**: Surface water is present for extended periods, especially early in the growing season but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

Determination: The proposed pipeline and place of use intersect wetland habitat. Potential for impact.

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

The proposed place of use includes pond habitat. According to the U.S. Fish and Wildlife Service National Wetlands Mapper, the pond habitat near the proposed irrigation is identified as: Freshwater Pond habitat (PABFh)

- System **Palustrine (P)**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
- Class **Aquatic Bed (AB)**: Includes wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years.

- Water Regime **Semi-Permanently Flooded (F)**: Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.
- Special Modifier **Diked/Impounded (h)**: These wetlands have been created or modified by a man-made barrier or dam that obstructs the inflow or outflow of water.

Determination: The proposed pipeline and place of use intersect pond habitat. Potential for impact

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.

The following soil types are located within the proposed project area.

Table 3: Soil Type					
Name	Percent of AOI (%)	Salinity	Slope (%)	Farmland Classification	Drainage Class
Aeric Fluvaquents, loamy	2.3	N/A	0 to 2	Not Prime Farmland	N/A
Bascovy silty clay	1.9	Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)	2 to 8	Not Prime Farmland	Well Drained
Sunburst-Neldore complex	0.6	Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)	15 to 60	Not Prime Farmland	Well Drained
Busby fine sandy loam	0.6%	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)	2 to 8	Farmland of statewide importance	Well drained
Busby-Yetull fine sandy loams	0.7	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained
Chinook fine sandy loam	0.8	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)	4 to 8	Farmland of statewide importance	Well drained
Creed loam	9.1	Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)	0 to 8	Not prime farmland	Well drained
Ethridge silty clay loam	2.3	Very slightly saline to slightly saline (2.0 to 4.0 mmhos/cm)	0 to 2	Prime farmland if irrigated	Well drained
Gerdrum clay loam	1.6	Moderately saline to strongly saline (8.0 to 16.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained
Glendive sandy loam	2.3	Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)	0 to 2	Not prime farmland	Well drained

Glendive loam	1.3	Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)	0 to 2	Not prime farmland	Well drained
Hanly loamy fine sand	7.1	N/A	0 to 2	Not prime farmland	Somewhat excessively drained
Harlake silty clay	2.1	Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)	0 to 2	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	Well drained
Kremlin loam	6.9	Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)	0 to 4	Prime farmland if irrigated	Well drained
Marvan clay	11.8	Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)	0 to 8	Not prime farmland	Well drained
Neldore-Badland-Bascovy complex	2.4	Nonsaline to slightly saline	15 to 45	Not prime farmland	Well drained
Bascovy-Neldore clays	0.5	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)	4 to 15	Not prime farmland	Well drained
Kevin-Sunburst clay loams	8.4	Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained
Sunburst-Kevin clay loams	3	Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)	4 to 15	Not prime farmland	Well drained
Telstad-Joplin loams	2.9	Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained
Joplin-Hillon loams	12.2	Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained
Thoeny-Absher complex	0.8	Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained
Typic Fluvaquents	0.5	N/A		Not prime farmland	N/A
Vanda Clay	4.6	Moderately saline to strongly saline (8.0 to 16.0 mmhos/cm)	0 to 8	Not prime farmland	Well drained
Yamacall loam	2	Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)	0 to 4	Not prime farmland	Well drained
Yamacall loam	2.8	Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)	4 to 8	Not prime farmland	Well drained
Yamacall-Twilight complex	0.9	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)	2 to 8	Not prime farmland	Well drained

The soil types referenced in Table 3 are mainly nonsaline to moderately saline and the majority of the proposed location has already been developed for agricultural purposes.

Determination: No significant impact.

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.*

Any noxious weed management on the place of use will be the responsibility of the landowner. The point of diversion and a portion of the pipeline is located on land owned by the United States Department of the Interior Bureau of Land Management (BLM). The BLM has provided a right-of-way/temporary use permit to the Applicant requiring all disturbed areas be reseeded with an approved seed mixture which shall be free of noxious weeds. This mix will be available for inspection by the BLM, and the seeding must be repeated until a satisfactory stand is established as determined by the authorized officer.

Determination: No significant impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There may be an increase in air quality impact during the construction of the pipeline, but it is not expected to be prolonged.

Determination: No significant impact.

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.*

The place of use is not located on State or Federal Lands. The point of diversion and a portion of the pipeline is located on land owned by the United States Department of the Interior Bureau of Land Management. They have provided a right-of-way grant/temporary use permit to the Applicant which notes no known localities are within the project area and provides procedures if the Applicant was to uncover any historical or archeological artifacts.

Determination: No significant impact.

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 other potential impacts 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 known environmental plans or goals will be significantly impacted by this project.

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 access or recreational activities will be significantly impacted by this project.

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

Determination: This project will have no significant impact on 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 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 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 significant 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 significant impacts identified.
- (j) Safety? No significant impacts identified.
- (k) Other appropriate social and economic circumstances? No significant impacts.

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

Secondary Impacts No significant impacts identified.

Cumulative Impacts No significant impacts 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 only other viable alternative would be the no action alternative in which the Department would not authorize this application to change the water right and add additional PODs and POUs to the McCone County Conservation District water reservation.

PART III. Conclusion

1. Preferred Alternative: Authorize a water right change 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?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

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

Name: Ashley Kemmis

Title: Water Conservation Specialist

Date: May 28, 2026