

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: SWOPE RANCH LLC
1110 KINSEY RD
MILES CITY, MT 59301-8740
2. Type of action: Application to Change a Water Right, No. 42K 30172434
3. Water source name: Yellowstone River
4. Location affected by the project: SWNWSE Section 14, Township 8N, Range 47E
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to change the historical point of diversion for Statement of Claim 42K 175169-00 to match the Applicant's current use. The historical point of diversion is located on a side channel of the Yellowstone River in the SWSWSW Sec. 14, T8N, R47E, Custer County. The proposed point of diversion is located on the mainstem of the Yellowstone River in the SWNWSE Sec. 14, T8N, R47E, Custer County. Under the proposed change, the Applicant will continue to irrigate 98.8 acres at the modified flow rate of 6.02 CFS and the historically diverted volume up to 199.5 AF/YR.

The proposed point of diversion shows no infrastructure in Google Earth Pro aerial imagery dated August 2013 but does show infrastructure on images dated May 2015 and June 2016.

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 (FWP)
Montana Department of Environmental Quality (DEQ)
Montana Sage Grouse Habitat Conservation Program (SGHCP)
Montana Natural Heritage Program (NHP)
U.S. Fish and Wildlife Service (USFWS)
U.S. Department of Agriculture, National Resource Conservation Service (USDA, NRCS)

7. Attachment: Montana State Library Natural Heritage Program – Swope Environmental Summary, hereafter referred to as Summary

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity

This project is not changing the existing flow or the existing volume of water diverted or used.

Determination: No Significant Impact

Water quality

This project installation appears to have been completed circa 2015-2016. Any impact during the project installation has likely been settled, given the time of recovery. The impact of runoff from the irrigated lands will depend on the Applicant's usage and treatment of the land. Impact will increase on low-flow and low-volume days in the river. The Applicant should utilize Best Management Practices for their project.

It is the Applicant's responsibility to maintain equipment and limit environmental impact.

Determination: Potential Impact

Groundwater

This project will have no significant impact on the groundwater quality or supply.

Determination: No Significant Impact

DIVERSION WORKS

The means of diversion is a Riverscreen and pump. Water is then conveyed to the fields through a 12-inch underground pipe. The Riverscreen intake of debris and wild life will be minimal.

Aerial imagery suggests this project was started in 2015 and completed in 2016, ten years prior to this Application. The project site may have recovered from the bank disturbance.

Determination: No Significant Impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Sage Grouse – This project is partially located within the bounds of Sage Grouse EO-General Habitat, with 15 of the 98.8 acres of the Applicant's irrigated land within the boundary,

in Sec. 15 T8N, R47E. The water right for this project has been in effect since circa 1910, having been filed with the Custer County District Court prior to December 6, 1920, when it was publicly noticed. The Applicant is not required to submit a letter from the Montana Sage Grouse Habitat Conservation Program, as this is an established project area (Governor's Executive Orders 12-2015 and 21-2025). The Applicant may learn more about sage grouse through the Conservation Program.

Determination: No Significant Impact

Endangered and threatened species

This project may have minimal impact on 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. See Summary, pages 3-11 for species in the area of the project, and their status.

Determination: No Significant Impact

Wetlands

No wetlands were claimed or proposed in this project. This project is located along the Yellowstone River. Wetlands and riparian areas are expected at the project site, upstream, and downstream. See Summary, pages 14-15, which identifies Palustrine-Emergent, Lotic-Scrub-Shrub, and Lotic-Forested wetland and riparian zones at the point of diversion and downgradient of the irrigated lands. These wetlands may be affected by the Applicant's treatment of irrigated lands, which can contribute to runoff. It is recommended that the Applicant maintain a healthy riparian buffer, also known as a streamside management zone (SMZ). Information on SMZs can be found on the DNRC Forestry site.

Determination: Potential Impact

Ponds

No ponds were claimed or proposed in this project or identified in the general area of the project via the Montana Natural Heritage Program (MT NHP).

Determination: No Significant Impact

GEOLOGY - SOIL QUALITY, STABILITY, AND MOISTURE

Soil Quality

The NRCS Web Soil Survey expects that the area around the proposed point of diversion on the Yellowstone River, where the pump will be placed, consists of Glendive fine sandy loam (451A) with 2 to 4 percent slopes, occasionally flooded. See *attached NRCS Web Soil Survey*.

Stability

The Applicant should consider the effects on bank stabilization by limiting the removal of riparian vegetation.

Determination: Potential Impact

As mentioned above in the Diversion Works section, this project appears to have been completed in circa 2015-2016.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS

Land Cover

Vegetation cover can be viewed on pgs. 11-12 of the summary. The summary includes a range of vegetation that does not necessarily apply to the project site. The area around the project site, seen in the orange trapezoid, consists primarily of cultivated crops, great plains floodplain, and great plains mixed-grass prairie. As mentioned, loss of riparian is expected due to the pump being moved along the bank of the creek. The Applicant should take precautions to prevent loss of vegetation.

Determination: Potential Impact

Noxious Weeds

This project may result in the establishment or spread of noxious weeds. See Summary pages 18-20 for species found in the area. It will be the responsibility of the landowner to prevent the establishment and spread of noxious weeds and non-native species.

Determination: Potential Impact

AIR QUALITY

No new impact on air quality is expected, as this project proposes a change in the point of diversion. It is the Applicant's responsibility to maintain equipment and limit environmental impact.

Determination: No Significant Impact

HISTORICAL AND ARCHEOLOGICAL SITES

Montana's National Register of Historic Places does not identify any registered historic landmarks, properties, or districts near the project site, at the time of this assessment. If the Applicant were to locate something of historical significance, it is the Applicant's responsibility to notify the appropriate authorities.

Determination: No Known Impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY

No additional impact on other environmental resources is expected due to this project.

Determination: No Significant 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 –

This project will have no significant impact on recreational and wilderness activities.

Determination: No Significant Impact

HUMAN HEALTH

This project will have no significant impact on human health.

Determination: No Significant 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:

(a) Secondary Impacts: No secondary impacts are identified

(b) Cumulative Impacts: No cumulative impacts are identified

3. Describe any mitigation/stipulation measures: None at this time.

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 the operation of their irrigation system. The no-action alternative does not prevent or mitigate any significant environmental impacts.

PART III. Conclusion

1. Preferred Alternative: The DNRC shall the change authorization if the Applicant proves that the criteria in 85-2-402 MCA are met.

2. Comments and Responses: The land owner should maintain vegetation on the bank where the pump is being placed into the creek to maintain bank stability and decrease erosion potential.

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 environmental impacts were identified; therefore, an EIS is not required

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

Name: Cassey Strebeck

Title: Water Resource Specialist

Date: September 14, 2026