

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: RODERICK D. GIBBS
732 RD 130
FALLON, MT 59330-7015

LESLEY J. GIBBS
732 RD 130
FALLON, MT 59330-7015
2. Type of action: Application for Beneficial Use Permit No. 42M 30174134
3. Water source name: Yellowstone River
4. Location affected by project: Sec. 25, Sec. 36, T14N, R54E
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to divert water from the Yellowstone River, by means of a pump, from April 15 to October 31 at a rate of 5.46 CFS. The applicant proposes to divert a total volume of 587.6 AF from a point in the NENENW, Sec. 25, T14N, R54E, Dawson County, for irrigation use from April 15 to October 31. The place of use is shown in Table 1.

Table 1: Place of Use						
Acres	Gov't Lot	¼, ¼, ¼	Sec.	Twp.	Rge.	County
145		NW	36	14N	54E	Dawson
5		W2W2NE	36	14N	54E	Dawson
9		E2SENW	25	14N	54E	Dawson
4	3	E2NENW	25	14N	54E	Dawson
14	2	S2NWNE	25	14N	54E	Dawson
6		N2SWNE	25	14N	54E	Dawson
22		SESE	26	14N	54E	Dawson
32		SWSW	25	14N	54E	Dawson
13		NWSW	25	14N	54E	Dawson
250	Total Acres					

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies websites reviewed during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

- 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
- United States Environmental Protection Agency

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 MT FWP. Assess whether the proposed use will worsen the already dewatered condition.

This reach of the Yellowstone River from the proposed POD to the North Dakota border has not been identified by the Montana Department of Fish, Wildlife & Parks (FWP) as chronically or periodically dewatered. The FWP has a water reservation on this portion of the Yellowstone River that ranges from 2,670 CFS in August to 25,140 CFS in June to maintain instream flows for fishery purposes. The Department's water quantity analysis shows that water is both physically and legally available for the proposed use.

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 lower Yellowstone River is listed on the 2022-2024 Montana draft 303(d) list as fully supporting agriculture and not fully supporting aquatic life. Causes of impairment for aquatic life are fish passage barriers, and chemical and mineral levels. Probable sources of impairment are the impacts from dam construction, erosion and sedimentation, impacts from abandoned mine lands, municipal point source discharges, and natural sources. As evaluated for the impact

of the water diversion on the Yellowstone River, the proposed project is not expected to have 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.

This surface water appropriation should have no significant impact on ground water in the area.

Determination: No significant impact.

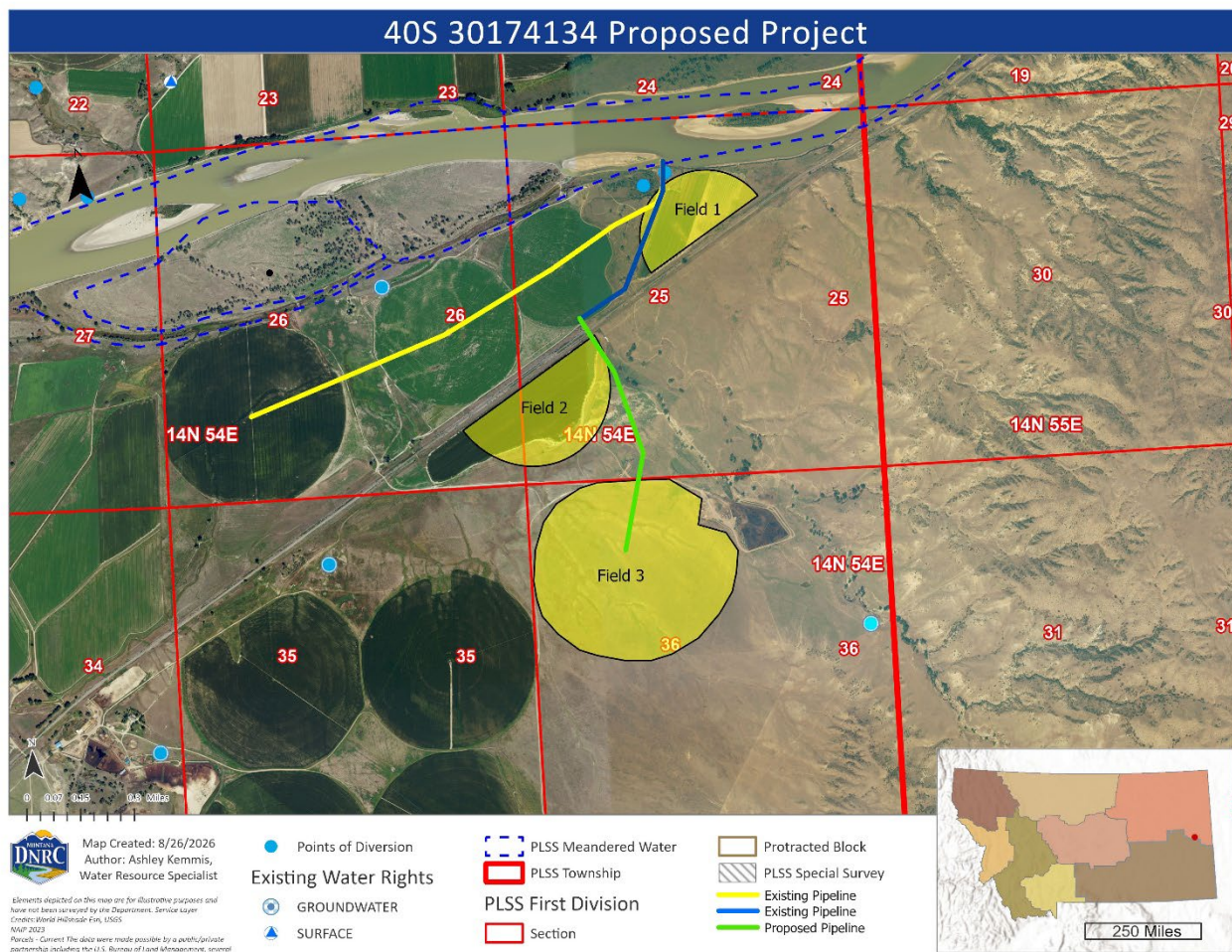
DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The Applicant proposes to divert water from the Yellowstone River, by means of a pump, from April 15 to October 31 at a rate of 5.46 CFS. The applicant proposes to divert a total volume of 587.6 AF from a point in the NENENW, Sec. 25, T14N, R54E, Dawson County, for irrigation use from April 15 to October 31.

The diversion location and conveyance facilities of Statement of Claim 42M 165796 00 will be shared. There is currently one pump and two existing pipelines associated with 42M 165796 00 (see the yellow and blue pipeline on Figure 1). The yellow pipeline shown in Figure 2 provides irrigation for three pivots associated with 42M 165796 00. The pipeline shown in blue has historically provided flood irrigation for field 2 under 42M 165796 00. The blue pipeline is now proposed to convey water to pivots on fields 1 and 2. The green pipeline is proposed for construction from the blue pipeline and will convey water to a pivot on field 3. The proposed appropriation will use a new pump at the shared pump site to supply water to all three fields.

Data and calculations were provided by the Applicant depicting the total head needed for the proposed system during common irrigating scenarios. A Cornell pump data sheet was provided demonstrating a need for an approximately 60 HP electric pump. The intake pump will have a self-constructed screen that duplicates a design that was previously approved by the NRCS and MTFWP. It will have a stainless steel 1/8" mesh and a rotating nozzle arm to clean debris from the screen.

The new pump will supply water to a 12" 125 psi PVC pipe and then to the existing 2,800 FT 15" PVC mainline pipeline (see blue pipeline in Figure 1). New PVC lateral pipelines (8" for field 1 and 10" for field 2) will be added to the 15" mainline to supply water to the new pivots on field 1 and 2). The mainline will be extended by adding 2,500 FT of 12" PVC pipeline that reduces to 1,400 FT of 10" PVC pipeline to reach field 3 (see green pipeline in Figure 1).



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 10 animal species of concern within the township and range that the project is in. 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).

Species Group	Common Name	Scientific Name
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
Reptiles	North American Snapping Turtle	Chelydra serpentina
Birds	Great Blue Heron	Ardea herodias
Reptiles	Spiny Softshell	Apalone spinifera
Birds	Least Tern	Sternula antillarum

* 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 Sturgeon.

The proposed diversion point is adjacent to land used for agricultural purposes and have already experienced human activity. No significant impact is expected.

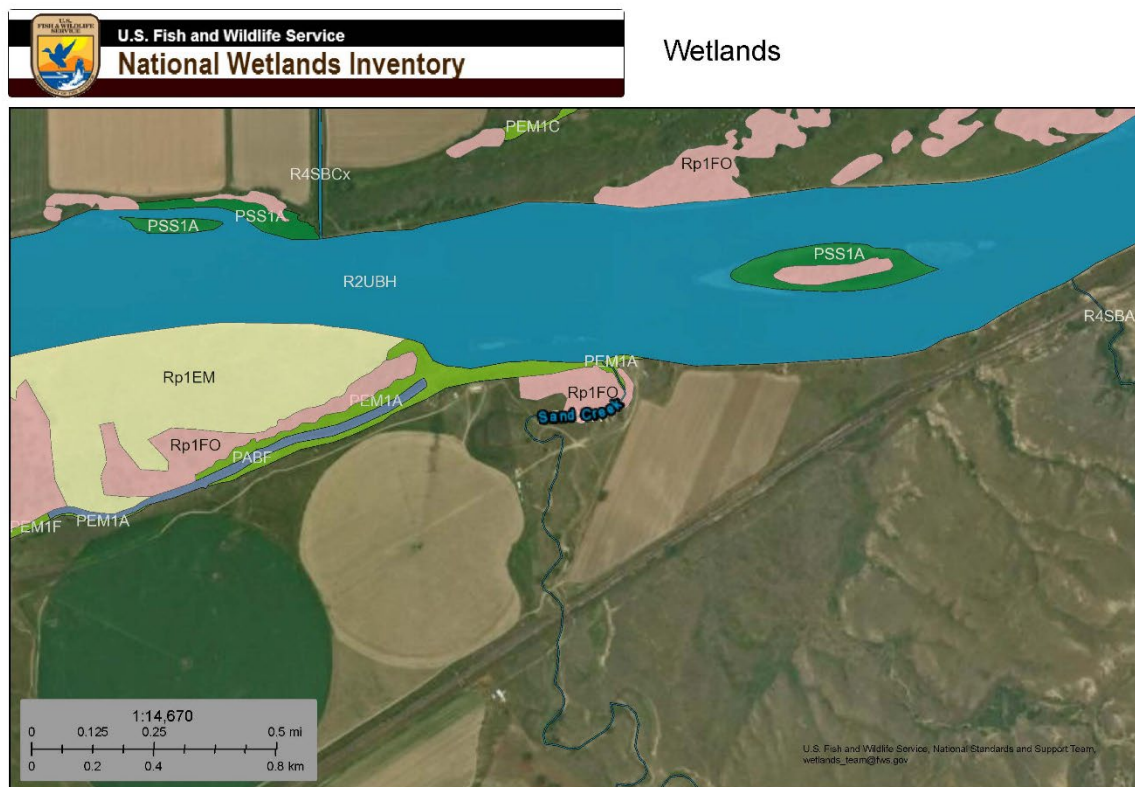
Determination: No significant impact.

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 wetland identified within NENENW, Sec. 25, T14N, R54E is freshwater forested/shrub wetland.

The freshwater emergent wetland is classified as PEM1A.

- 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.



September 11, 2026

Wetlands

Estuarine and Marine Deepwater	Freshwater Emergent Wetland	Lake
Estuarine and Marine Wetland	Freshwater Forested/Shrub Wetland	Other
	Freshwater Pond	Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Determination: No significant impact.

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

There are no ponds in the area of the proposed project.

Determination: No significant 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.

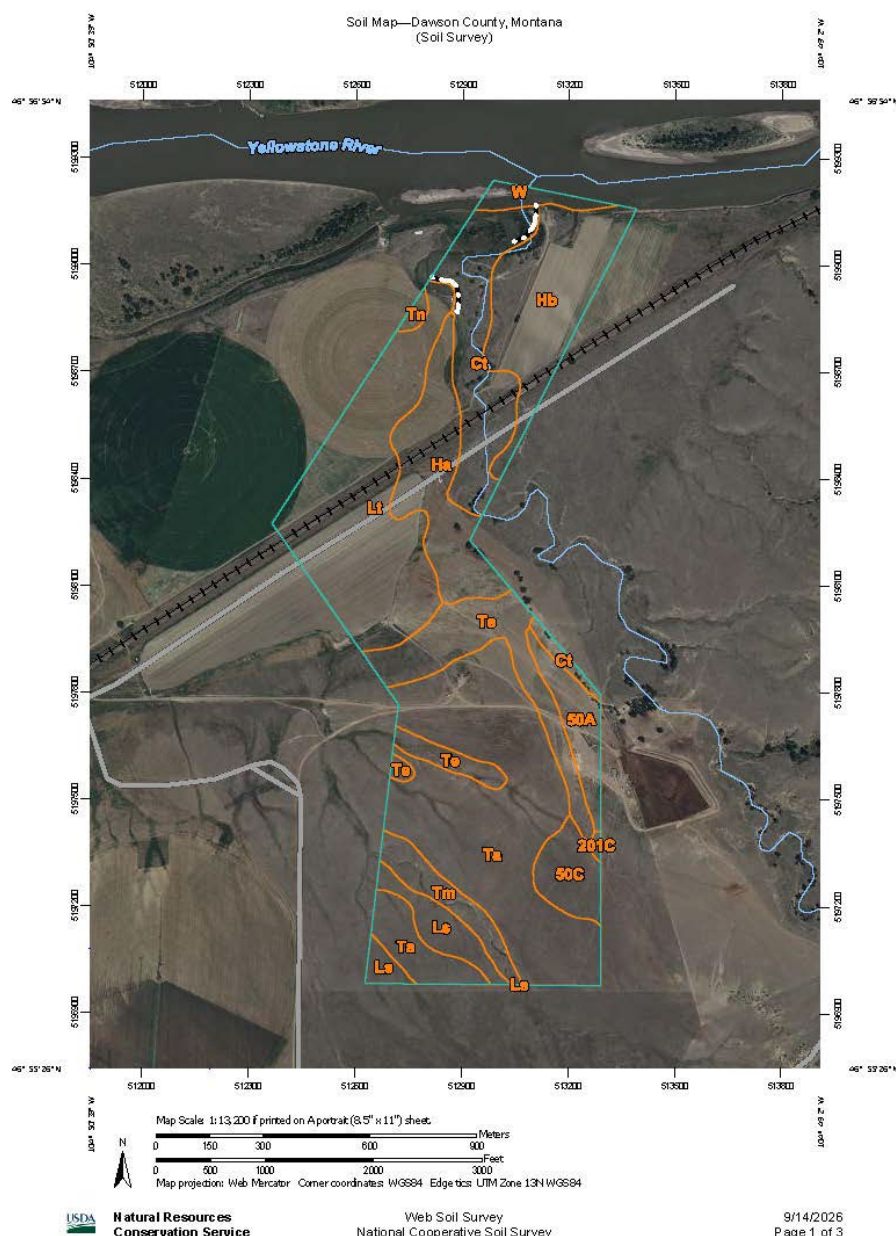


Figure 1: Soil map in the proposed pipeline area.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Drainage Class	Maximum Salinity
50A	Kremlin loam, 0 to 2 percent slopes	9.8	3.2%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
50C	Kremlin loam, warm, 2 to 8 percent slopes	9.5	3.1%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
201C	Lonna-Cambeth silt loams, 2 to 8 percent slopes	0.5	0.2%	Well Drained	Nonsaline to moderately saline (1.0 to 8.0 mmhos/cm)
Ct	Lonna, Havre, and Glendive soils, 0 to 4 percent slopes, occasionally flooded	31.2	10.1%	Well Drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Ha	Havre silt loam, 0 to 2 percent slopes	26.6	8.6%	Well Drained	N/A
Hb	Havre silt loam, 2 to 4 percent slopes	34.2	11.1%	Well Drained	N/A
Ls	Lihill loamy sand, 4 to 20 percent slopes	10.5	3.4%	Somewhat excessively drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Lt	Wolf Point silty clay loam, 0 to 2 percent slopes, occasionally flooded	58.6	19.0%	Moderately well drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Ta	Chinook fine sandy loam, 0 to 4 percent slopes	85.0	27.6%	Well Drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Te	Terrace escarpments	27.8	9.0%	Excessively drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Tm	Tinsley soils, 15 to 65 percent slopes	9.1	3.0%	Excessively drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Tn	Glendive fine sandy loam, 0 to 2 percent slopes, occasionally flooded	1.2	0.4%	Well drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
W	Water	4.2	1.4%	-	-
Totals for Area of Interest 308.4		308.4	100.0%		

Most soils are well drained and nonsaline to slightly saline. The irrigation use should not cause a saline seep.

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.

No vegetation was listed as endangered or threatened by the USFWS or BLM in the project area. The control of noxious weeds is the responsibility of the landowner.

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

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.

Determination: NA – project 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.

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

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: There are no known local environmental plans or goals in this area.

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

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: There are no additional government regulatory impacts on private property rights associated with this application.

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 have been identified.

Cumulative Impacts: No cumulative impacts have been 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 a water right permit for irrigation. Under the no action alternative, the Applicant would not be able to withdraw water for irrigation.

PART III. Conclusion

1. **Preferred Alternative:** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

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: None of the identified impacts for any of the alternatives or for physical or human environment are significant.

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

Name: Ashley Kemmis
Title: Water Conservation Specialist
Date: September 17, 2024