

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

Applicant/Contact name and address: ROQUE PROPERTIES LLC
1747 RED LODGE CREEK RD
ROBERTS, MT 59070

Type of action: Application to Change a Water Right 43D 30165112

Water source name: Red Lodge Creek

Location affected by project: A reach of Red Lodge Creek from the most upstream historical point of diversion, the headgate to the Loyning Ditch, in the SWSESW Sec. 5, T5S, R20E, Carbon County, downstream to the place where return flows from the historical and proposed irrigation accrue, in the NESESW Sec. 5, T5S, R20E, Carbon County.

Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to change the point of diversion and place of use, and to add a purpose (fishery) and a place of storage for Statement of Claim 43D 14970-00. The Applicant proposes to retire use of the historical Loyning Ditch and headgate in the SWSESW Sec. 5, T5S, R20E, Carbon County; to retain use of the Clark (Hoiness) Ditch and headgate in the SWNESE Sec. 5, T5S, R20E, Carbon County; to retire the use of the historical pump site in the SWSESW Sec. 5, T5S, R20E, Carbon County; and to add two new pump sites, a pump site in the NENESE Sec. 5, T5S, R20E, and a pump site in the SWNWSE Section 5, T5S, R20E, Carbon County. The Applicant proposes to irrigate 155 acres of retained, historically irrigated and new acres. The period of diversion and use was claimed as April 15 to October 1, annually. The source was Red Lodge Creek. No additional flow rate or volume are requested through this change. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

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)

United States Natural Resource Conservation Service (NRCS)

United States Fish and Wildlife Service (USFWS)

United States Department of Agriculture Natural Resources and Conservation Service (USDA NRCS)

Part II. Environmental Review

Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – Red Lodge Creek is not listed on the Montana FWP list of chronically or periodically dewatered streams. The proposed change will not increase the flow rate or volume of water already appropriated through Statement of Claim 43D 14970-00. The Applicant proposes to divert 21.73 AF of water less under the proposed change which will leave more water in stream than was historically used.

Determination: No significant impact

Water quality – Montana DEQ does not identify Red Lodge Creek as an impaired source for water quality. The proposed project leaves additional water instream than was historically which could improve water quality by diluting any possible pollutants.

Determination: No significant impact

Groundwater – The changes to Point of Diversion and Place of Use will not have any significant impact on groundwater although they may slightly alter groundwater recharge within the proposed place of use.

Determination: No significant impact

Diversion works – The Applicant proposes to retire use of a historical headgate (Loyning Ditch) point of diversion, retain use of a historical headgate (Clark(Hoiness) Ditch) and utilize two pump sites in the NENESE Sec. 5, T5S, R20E, and SWNWSE Section 5, T5S, R20E, Carbon County. The historical Loyning Ditch and headgate have not been used for many years. The retain headgate and ditch have been in constant use. The Applicant proposes to add pump sites which better align with their preferred irrigation practices and infrastructure.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana NHP, the following Species of Concern, Potential Species of Concern, and Important Animal Habitat can be found within the project area: Burbot, Rocky Mountain Cutthroat Trout, Bald Eagle, Plumbeous Vireo, Golden Eagle, Sage Thrasher, Dickcissel, Great Blue Heron, Greater Sage-Grouse, Hooded Merganser, Pinyon Jay, Sharp-tailed Grouse, Short-eared Owl, American Bittern, American White Pelican, Black-necked Stilt, Bobolink, Brewers Sparrow, Common Poorwill, Ferruginous Hawk, Long-

billed Curlew, Red-headed Woodpecker, Black-billed Cuckoo, Yellow-billed Cuckoo, Broad-tailed Hummingbird, Lewis's Woodpecker, Rufous Hummingbird, Veery, White-faced Ibis, Sprague's Pipit, North American Snapping Turtle, Western Hog-nosed Snake, Great Plains Toad, Northern Leopard Frog, Dwarf Shrew, Merriam's Shrew, Preble's Shrew, Grizzly Bear, Fringed Myotis, Little Brown Myotis, Long-eared Myotis, Long-legged Myotis, Northern Hoary Bat, Spotted Bat, North American Porcupine, Prairie Shrew, Silver-haired Bat, Western Spotted Skunk, Black-tailed Prairie Dog, Cuckoo Bumble Bee, Western Bumble Bee, American Bumble Bee, Suckley's Cuckoo Bumble Bee, Monarch, Platte Cinquefoil, Panic Grass, Four-wing Saltbush, Crawe's Sedge, Beaked Spikerush, and Letterman's Needlegrass. According to the Montana SGHBP Map, this project is not within an area identified as Sage Grouse habitat. Changing the point of diversion and modifying agricultural practices within generally irrigated agricultural lands is unlikely to impact species presence or diversity.

Determination: No significant impact

Wetlands – According to wetland mapping by the USFWS, freshwater emergent wetland areas may exist on the outskirts of the irrigated area, possibly as a result of the irrigation practices. Wetland areas are unlikely to be impacted by the proposed change to the point of diversion or place of use.

Determination: No significant impact

Ponds –The Applicant proposes to add a private pond for fishery purpose through this application.

Determination: No significant impact

Geology/Soil Quality, Stability and Moisture – According to the USDA NRCS, the predominant soil types in the project area are Adel silty clay loam, 0-4% slopes; Red Lodge-Adel silty clay loams, wet; Lohler silty clay loam, 2-4% slope; Wayden-Cabby association, hilly; Rentsac-Rock outcrop complex, steep; and Absarokee clay loam, 8-15% slope. The remaining soil types each represent less than 5% of the total soils in the project area. These soil types are historically and currently used for farming practices. No impact is expected as a result of the proposed project.

Determination: No significant impact.

Vegetation Cover, Quantity and Quality/Noxious Weeds – Overall, the lands are actively part of agricultural practices or immediately adjacent to historical agricultural practices. The change in place of use includes the retirement of historically irrigated acres and the new use of adjacent acres. No significant impact is expected given the overall human-modified nature of the project area.

Determination: No significant impact

Air quality – The proposed change to the point of diversion to a diesel and electric-run pump may cause minor increases in air quality contamination.

Determination: Minor 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 on private land and will have no known impact to the access to or quality of recreational and wilderness activities.

Determination: No significant impact

Human health – No impacts to human health have been identified for the proposed instream flow 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

Other appropriate social and economic circumstances? No significant impact

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

(a) Secondary Impacts: No secondary impacts are recognized

(b) Cumulative Impacts: No cumulative impacts are recognized

Describe any mitigation/stipulation measures: None

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 water right owner from changing the point of diversion and place of use of their water right to align with their preferred agricultural practices and ability to add a private pond to their property. 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

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: Veronica Corbett

Title: Water Resource Specialist
Date: September 24, 2026