

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: **Horse Prairie Ranch
% Carie LLC, Ken Duncan
4082 N. Edgewood Dr.
Provo UT 84604 4946**
2. Type of action: **Change Application 41A 30043252**
3. Water source name: **Surface Water, Painter Creek**
4. Location affected by project: **Sec. 05, 06, 07, 08, 18 TWP 09S RGE 13W, Beaverhead County**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The applicant proposes to add three stock tanks to an existing stock water right 41A 97513 on Painter Creek, Beaverhead County. The stock tanks would move stock watering and ease riparian pressure on the source. The applicant proposes to add stock tanks to Sec. 05, 06, 07, 08 and 18 of TWP 09S, RGE 13W, Beaverhead County.

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

6. Agencies consulted during preparation of the Environmental Assessment:
(Include agencies with overlapping jurisdiction)

**MT Natural Heritage Program - Species of Concern, T/E
The Montana Noxious Weed Survey and Mapping System
Montana Natural Resource Information System
USDA Soil Survey
Kyle Tackett, NRCS**

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.

Determination: **No significant impact.**

The source of supply is surface water and the proposed change is not associated with a chronically or periodically dewatered stream by DFWP.

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.

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.

Determination: **No significant impact.**

Instream stock watering/direct from source.

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.

Determination: **No significant impact.**

No impacts to stream channel, flow modification, barriers, riparian areas, dams or well construction will occur due to this project. The proposed collection box diversion will be installed close to the historic diversion location and will not be disruptive.

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."

Determination: **No significant impact.**

The MT Natural Heritage Program identified the Greater Sage-Grouse, *Centrocercus urophasianus*, Long-billed Curlew, *Numenius americanus*, Westslope Cutthroat Trout,

Oncorhynchus clarkia lewisi, Pygmy Rabbit, *Brachylagus idahoensis*, Gray Wolf, *Canis lupus*, Wolverine, *Gulo gulo*, and the Canada lynx, *Lynx canadensis*.

The Greater Sage-Grouse occupy a large range of habitats including: desert, grassland/herbaceous, savanna, and shrub/chaparral. They are a migratory bird and can have either a summer/winter range or a breeding habitat, summer/winter range, male/female ranges. Habitat preferences include foothills, plains, and mountain slopes where sagebrush is present. Most important threats include but are not limited to: invasive species, infrastructure as related to energy development and urbanization, wildfire, agriculture, grazing, energy development, urbanization, strip/coal mining, weather, and pinyon-juniper expansion.

Long-billed Curlew prefers various habitats which include: grasslands, wetlands, tidal flats/shores and riparian areas, and prefers breeding habitats in prairies and grassy meadows, generally near water. This invertevore is threatened by cultivation of grasslands, organochlorides, and hunting.

The Westslope Cutthroat Trout migrate between upstream/spawning and lake /non-spawning and prefer riverine (creek and medium river) and lacustrine habitats. This species of fish occurs in small mountain streams, main rivers, and large natural lakes. The degree of threat (B) includes hybridization, loss/degradation of habitat from logging, road construction, mining and grazing. This species is sensitive to pollution and high turbidity/stream siltation. Dams, irrigation diversions, and other migratory barriers have degraded critical habitat and increased the already drastic levels of species fragmentation.

The Pygmy Rabbits occupy a moderately large range in the Great Basin and Intermountain region of western North America. Their range has greatly decreased as shrub-steppe habitats have been lost and degraded as a result of fire, grazing, invasion of exotic annuals, and agricultural conversion. They prefer sage brush habitat in dense stands growing in deep loose soils.

The Gray Wolf has no particular habitat preference. They are a carnivore species with a far reaching territory which encompasses many variable habitat types. These canines have been exterminated from large areas through trapping, shooting, poisoning, reduction in prey populations, direct human caused mortalities, and habitat loss. The threats to northern Rocky Mountain populations have been reduced or eliminated as evidence by the population exceeding the numerical, distributional, and temporal recovery goals each year since 2002 (USFWS).

The Wolverine occupies a large range in northern Canada and Alaska, and occurs in Montana and Idaho in smaller populations. Densities in Montana range from one wolverine in Montana per every 65 sq km and to less than one per every 200 sq km in northern British Columbia. Declines in population may be primarily due to fur trapping and habitat degradation through timber harvest, ski area construction, road construction, and general human disturbances.

The Canada Lynx generally occurs in boreal and montane regions dominated by coniferous or mixed forest with thick undergrowth; may also enter open forest, rocky areas, and tundra to forage for abundant prey.

The proposed diversion will be removing the cattle from watering in the stream channel and it is unlikely that the proposed project would not impact these widespread species.

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

Determination: No significant impact.

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

Determination: No significant impact.

No existing ponds, wildlife, waterfowl, or fisheries resources are involved with this application.

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.*

Determination: No significant impact.

The soil quality or the soil stability will not see any degradation.

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.*

Determination: No significant impact.

The Montana Noxious Weed Survey and Mapping System did not identify any noxious weeds in the project vicinity. The landowner is responsible for controlling any establishment of noxious weeds as a result of any disturbance.

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

Determination: No significant impact.

No deterioration of air quality is associated with the proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: No significant impact.

The State Historic Preservation Office was not contacted about this proposed project. The land has been historically used for stock purposes and would have already disturbed any

historic sites. Since the property is located on private land, the decision to conduct a cultural inventory would be at the discretion of the land owner.

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 significant impact.**

The proposed project should not cause any additional impacts on land water or energy resources.

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 significant impact.**

No locally adopted environmental plans or goals are in place in the project vicinity.

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 significant impact.**

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

Determination: **No significant impact.**

PRIVATE PROPERTY - Assess whether there is 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.

1. 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 impacts were identified.**

Cumulative Impacts: **No impacts were 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:*
Under the no action alternative, the project would continue to be used as it is today. There do not appear to be alternatives.

PART III. Conclusion

1. *Preferred Alternative:* **Issue the authorization for the proposed project.**

2. *Comments and Responses:* **There have been no comments or 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: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

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

Name: **Lindsay Volpe**
Title: **Water Resource Specialist**
Date: **01/06/2009**