

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:* John Bergin  
1175 S 25<sup>th</sup> St  
Billings, MT 59102
2. *Type of action:* Change Application
3. *Water source name:* Ground Water
4. *Location affected by project:* See Table 1: Musselshell County

Stock Tank #	Township	Range	Section	¼ Section's
ST 39	10N	29E	29	NENESW
ST 40	10N	29E	35	SWSWNW
ST 41	9N	30E	17	NWSWNW
ST 42	9N	30E	17	NESWNW
ST 43	9N	30E	17	NWSENW
ST 44	9N	30E	8	NWSWSW
ST 45	9N	30E	8	SESWNW
ST 46	9N	30E	8	NESWNW

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
Applicant is proposing to add 8 additional stock tanks (ST) to Permit 40C 30105634. These stock tanks will be installed along existing pipelines. ST #39 in the application is in township 10N Range 29E section 29 NENESW. ST 40 is in township 10N Range 29E section 35 SWSWNW.

Stock tanks 41 (NWSWNW), 42 (NESWNW) & 43 (NWSENW) are in township 9N range 30E section 17 with their quarter sections denoted in parentheses.

Stock tanks 44 (NWSWSW), 45 (SESWNW), & 46 (NESWNW) are in township 9N range 30E section 8 with their quarter sections denoted in parentheses.

They will be servicing the same number of livestock and will facilitate distribution.

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

Montana Natural Heritage Program	Endangered-Threatened Species
Montana Department of Fish Wildlife & Parks (MFWP)	Dewatered Stream Information
Montana Department of Environmental Quality (MDEQ)	TMDL Information

**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 impact

Carpenter creek is not listed on the DFWP's website as a dewatered or periodically dewatered stream. However, carpenter creek is considered a tributary to the Musselshell river, which is listed as a dewatered stream. Although the Musselshell is highly appropriated, this is a change to an existing water right that does not increase volume or flow rate. Therefore, depletions are expected to remain the same as was historically approved for Permit 40C 30105634.

**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 impact

Permit 40C 30105634 has already been approved as a water right. The modifications proposed in this change will not increase burden to Carpenter Creek or the Musselshell river. The proposed diversion should be adequate in preventing adverse effect on water quality.

**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 Impact

This application is adding additional stock tanks but is not increasing the quantity of water appropriated. Therefore, no impacts to groundwater are anticipated through this change.

**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 Impact.*

The project expanded upon an existing stock water distribution system. There will be no impacts to channels, no flow modifications or barriers, no changes to riparian areas, dams, and no impacts to well construction. Each stock tank is equipped with a one-inch Hudson valve to stop water flow when the tanks are full. HDPE pipeline will be used to divert water from well to stock tank.

#### **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 Impact*

The Natural Heritage Program identified the following species of concern, special status species or potential species of concern within the project area: Bald Eagle, Sauger, Great Blue Heron, Black-tailed Prairie Dog, Plains Hog-nosed snake, Golden Eagle, Greater Sage Grouse, and Spiny Softshell.

***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 Impact*

There should be no significant impacts to wetlands from this proposed use. Several freshwater pond habitats are located nearby, classified as PUSAx and PUSCx. There are several freshwater emergent wetlands classified as PEM1A in the nearby area. There is also a riverine classified as R4SBCx that runs alongside the Place of Use. Despite the presence of wetlands, this is an existing project that is not increasing flow rate or volume. Therefore, no detrimental wetland affect from this project is expected to result from this change.

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

*Determination: No impact*

There are no ponds associated with this project. There will be no impact to existing wildlife, waterfowl or fisheries resources due to this proposed use.

***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 Impact*

The soils in this area are primarily Delpoint-Cabbart\_Yamacall loam and Yamacall-Delpoint loams which are well drained soils. There is very little likelihood of saline seep and there should be no changes to soil quality or stability. Moisture content should be unchanged because water is diverted through pipelines and stored in stock tanks.

**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 Impact*

The landowner is responsible to prevent the establishment or spread of noxious weeds on their property.

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

*Determination: No Impact*

There should be no deterioration of air quality due to increased air pollutants from this 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 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.*

*Determination: No Impact*

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

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

*Determination: No Impact*

This project will not interfere with local environmental plans or goals.

**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 Impact

The project involves minor expansion to an existing Stockwater distribution system. The Place of Use and most of the surrounding parcels are owned by the applicant. This project is already in effect and is not located in an area that would disrupt recreational or wilderness activities.

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

*Determination:* No Impact

There should be no significant impact on human health from this change.

**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 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 None identified.

Cumulative Impacts There are no other pending applications on this source of water.

3. **Describe any mitigation/stipulation measures:** There are no mitigation or stipulation measures required.

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 proposed activity is reasonable, and is within accepted practices for stock water distribution. The project will improve distribution efficiency, while diverting the same quantity of water to the same quantity of animals.

**PART III. Conclusion**

1. **Preferred Alternative** To authorize the beneficial water use permit.

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: No significant environmental impacts were identified. No EIS required.

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

Name: Jackson Sansone

Title: Water Resource Specialist

Date: December 29, 2023