

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: Twin Hearts Smiling Horses, Inc. PO Box 69, Broadus, MT 59317
2. Type of action: Application for Beneficial Water Use Permit 42J 30162285
3. Water source name: Groundwater
4. Location affected by project: Sections 6 and 7, T7S, R50E and Sections 11, 12, 13, and 14 T7S, R49E.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from groundwater, by means of 7 wells, from 5/1 through 10/31 at 3450 GPM up to 1,111.8 AF, for irrigation use from 5/1 through 10/31. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 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
 Montana Department of Environmental Quality
 Montana Natural Heritage Project
 Montana Greater Sage Grouse Habitat Conservation Program
 United States Fish and Wildlife Service
 United States Natural Resources and Conservation Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – The source of water is groundwater, so the source is not listed by Montana Fish, Wildlife and Parks as dewatered. The groundwater appropriation would deplete surface

water in the Powder River. The Powder River is listed as chronically dewatered by the Montana Fish, Wildlife and Parks. Because the area irrigated is served by surface water from the Powder River and groundwater irrigation would be conditioned to allow surface water to stay in the river, this project would have minimal impact on flows in the Powder River.

Determination: Possible impact.

Water quality – The groundwater in this area is not listed as impaired and the use of groundwater for irrigation will not reduce the water quality.

Determination: No significant impact.

Groundwater - The proposed project will use substantial amounts of groundwater for irrigation and will reduce the groundwater availability locally. Use of the groundwater for irrigation will not impair the quality of the groundwater. Effects to the Powder River were discussed above.

Determination: Possible impact.

DIVERSION WORKS – The proposed project will divert water from wells and convey the water in pipelines to sprinkler irrigation or gated pipe. Nearly all construction has been completed and the system is in place. The proposed project will not affect channel impacts, flow modifications, barriers, riparian areas, or dams.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - According to the Montana Natural Heritage Program, there are seven species of concern in the project area including, the Blue Sucker, the Sauger, the Sturgeon Chub, the Great Plains Toad, the Great Blue Heron, the Northern Hoary Bat, and the Burrowing Owl. The proposed project is to irrigate land that is currently agricultural. No barriers to fish or wildlife movement will be created and no change to available habitat is predicted. Potential depletion to the Powder River could potentially impact fish species.”

Determination: Possible impact.

Wetlands – According to mapping by the United States Fish and Wildlife Service, there are no wetlands in the project area. No wetlands are proposed.

Determination: No impact

Ponds – There are no ponds in the proposed project area, and none are proposed.

Determination: No impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – According to the United States Natural Resources and Conservation Service, the dominant soils in the area are silty to fine sandy loam. These soils are nonsaline to very slightly saline unlikely to cause saline seep. The soils are well

drained, and the project area is on the alluvial plain of the Powder River with low slopes. Irrigation of agricultural land has little possibility of degrading the soil or causing instability. Soil moisture will increase due to irrigation.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The existing cover in the project area is agricultural. No change to vegetative cover is proposed. It will be the responsibility of the landowner to monitor and control noxious weeds.

Determination: No significant impact.

AIR QUALITY – Use of groundwater to irrigate agricultural land has limited potential to affect air quality.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES – The proposed project is not located on State or Federal Lands.

Determination: N/A

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No additional impacts on environmental resources of land, water or energy are recognized.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals.

Determination: N/A

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – The proposed project is not located near any wilderness regions. There are no public roads across the project area. The only recreational activities in the area would focus on the Powder River. No proposed activities would change access to or quality of recreational opportunities on the Powder River.

Determination: No impact.

HUMAN HEALTH – Using groundwater to irrigate agricultural land has limited possibility of affecting human health.

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: N/A

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 are recognized.

Cumulative Impacts: No cumulative impacts are recognized.

3. *Describe any mitigation/stipulation measures:* Non

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 reasonably available alternative to the proposed project is the no-action alternative. The no-action alternative does not prevent any significant

environmental impacts and prevents the landowner from increasing his agricultural yield and profit.

PART III. Conclusion

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

2. Comments and Responses: None

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: Although there were some potential impacts from the project in terms of possible depletions to the flow in the Powder River, few impacts were recognized, and the environmental assessment is the proper level of analysis.

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

Name: Mark Elison

Title: Regional Manager

Date: 1/30/2025