

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: PATRICIA & STEVEN THOENY
827 QUARTER HORSE ROAD
ROSEBUD, MT 59347

Type of action: Applications to Change a Water Right: Additional Stock Tanks 42KJ 30164394 and 42KJ 30165338

Water source name: Groundwater

Location affected by project: Section 31, T8N, R42E; Section 1 and Section 2, T7N, R41E; and Section 35 and Section 36, T8N, R41E, Rosebud County

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

The Applicants propose two changes to Groundwater Certificate 42KJ 30115997. Change Application No. 42KJ 30164394 is a permanent change to the place of use to include five (5) new tanks. Change Application No. 42KJ 30165338 is a temporary change to the place of use to include the five (5) permanent tanks and two (2) temporary tanks on state land. Because two (2) of the places of use are temporary and will expire, while the five (5) others are permanent, two applications were created. The historical point of diversion is a well in the SWSWSE Sec. 31, T8N, R42E, Rosebud County. The historical places of use are three stock tanks in the SWSWSE Sec. 31, T8N, R42E; NWSENE Sec. 1, T7N, R41E; and Gov't Lot 3 (SWNENW), Sec. 1, T7N, R41E, Rosebud County.

In permanent Change Application No. 42KJ 30164394, the Applicants propose to add five stock tanks from the historical well. The Applicants will add pipeline to the existing pipeline. The five permanent tanks will be added in the SENESW Sec. 1, T7N, R41E; W2NWNE Sec. 2, T7N, R41E; NENWSE Sec. 2, T7N, R41E; SWSENE Sec. 35, T8N, R41E; and SWNWSW Sec. 35, T8N, R41E. The three historical places of use will be retained.

In temporary Change Application No. 42KJ 30165338, the Applicants propose to add the five permanent tanks from permanent Change Application No. 42KJ 30164394, to add pipeline to the existing pipeline and to add two new tanks in the NWSESE and NESENE Section 36, T8N, R41E, Rosebud County. Part of the proposed place of use is on land owned by the State of Montana and managed by DNRC School Trust Lands Management Division (TLMD). These places of use are being added through a temporary change in appropriation right to use the lessee's water right on school trust land for the duration of State Agricultural and Grazing Lease No. 2063 (State Lease AG-2063) pursuant to §§85-2-407 and -441, MCA. The temporary change will expire February 28, 2027, in conjunction with State Lease AG-2063. State Lease AG-2063 took effect March 1, 2017, for a term of 10 years, with an expiration date of February 28, 2027. In the instance temporary Change Authorization 42KJ 30164394 is not renewed, expires, or is

terminated, Groundwater Certificate 42KJ 30115997 will be used in accordance with the terms set forth on the original version of the water right. There will be no changes to point of diversion, period of diversion, period of use, flow rate, volume, or purpose. 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 (DNRC)

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 – The water source is a well that has been in use since 2018. The proposed change will not increase the flow rate or volume of water already appropriated through Groundwater Certificate 42KJ 30115997 and will have no novel effect on water quantity.

Determination: No significant impact

Water quality – Adding additional places of use will have no effect on the water quality. Stock use is considered 100% consumptive.

Determination: No significant impact

Groundwater – Adding additional stock tanks to an existing water right will not affect groundwater. Adding additional stock tanks without changing the herd size does not increase diverted volume

Determination: No significant impact

Diversion works - Groundwater Certificate 42KJ 30115997 diverts water by means of a groundwater well. The well is in place and will not be altered as a result of the proposed change. Additional miles of buried pipeline and seven above ground stock tanks will be added. A portion of the buried pipeline is on private property and a portion is on State School Trust Lands, the construction of which has been approved by the DNRC Trust Lands Management Division (TLMD). The additional stock tanks are above ground and should have no negative impact on the physical environment.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana SGHCP Map, this project is within a core area identified as Sage Grouse habitat. A request for consultation with the Montana Sage Grouse Program was received on April 23, 2024, and review was completed by the Montana Sage Grouse Program on May 2, 2024. The review finds that the Applicant’s voluntary adherence to construction timing restrictions, restricted seasonal use, and weed management plans are consistent with the Montan Sage Grouse Conservation Strategy.

In addition to Greater Sage Grouse and Sharp-tailed Grouse, Black-tailed Prairie Dog, Greater Short-horned Lizard, Loggerhead Shrike, Bald Eagle, and Short-eared Owl are species of concern identified as being observed within the project area. The temporary disruption for

construction and continued use of the land under livestock grazing practices are not anticipated to cause novel significant impact to these species.

Determination: No significant impact

Wetlands – According to wetland mapping by the USFWS, the wetlands in the project area include aquatic bed, unconsolidated shore and emergent palustrine wetlands, intermittent riverine areas, and lotic riparian habitats. The proposed infrastructure is not indicated to be directly within wetland habitat types as the purpose of the stock tanks is to provide livestock water to generally dry areas.

Determination: No significant impact

Ponds – There are no ponds within the project area and no ponds are proposed.

Determination: No impact

Geology/Soil Quality, Stability and Moisture – According to the USDA NRCS, the predominant soil types in the project area are Lonna silty clay loam, 2 to 8 percent slopes, Delpoint-Yamacall-Cabbart loams, 8 to 25 percent slopes, and Busby-Twilight-Blacksheep fine sandy loams, 8 to 35 percent slopes. These soil types are considered well drained and nonsaline to very slightly saline, and not prime farmland. All other soil types represent less than 10% of the proposed project area. The proposed changes are unlikely to cause any long-term or cumulative impact on soil quality or stability, though there may be short-term disturbance caused by the installation of infrastructure.

Determination: No significant impact.

Vegetation Cover, Quantity and Quality/Noxious Weeds – Existing vegetative cover in the area is predominately Big Sagebrush Steppe, Great Plains Mixedgrass Prairie, with less than 10% made up of Great Plains Riparian, Great Plains Badlands, and Great Plains Sand Prairie. This vegetative cover provides the grazing habitat for livestock and will be utilized as available. The proposed project to install pipeline and stock tanks will potentially cause low disturbance during construction with minimal impacts.

Determination: No significant impact

Air quality – The proposed changes for livestock use will not impact air quality.

Determination: No impact

Historical and archeological sites – For the proposed project on private land, there will be no impact. For the proposed project on School Trust Land, DNRC TLMD has provided approval for the addition of these temporary tanks under State Lease AG-2063.

Determination: No impact

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 portion of the proposed project located on privately owned grazing land will not impact access to recreational or wilderness activities. The opportunity to access recreational and wilderness activities on School Trust Lands is not impacted by the proposed project. The addition of temporary pipeline infrastructure and stock tanks to land currently managed for livestock grazing does not impede any existing recreational or wilderness activities provided by School Trust Lands.

Determination: No impact

Human health – No impacts to human health have been identified for the proposed irrigation 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: The Montana SGHCP recommended mitigation strategies to support the Sage Grouse Conservation Strategy which the Applicants voluntarily agreed to adhere to.

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 property owner from improving the operation of their stock watering system and does not allow them to add permanent stock tanks on private land or temporary stock tanks on State Trust Lands. The no action alternative does not prevent or mitigate any significant environmental impacts.

PART III. Conclusion

1. Preferred Alternative: Issue the change authorizations if the Applicants prove 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: April 4, 2025