

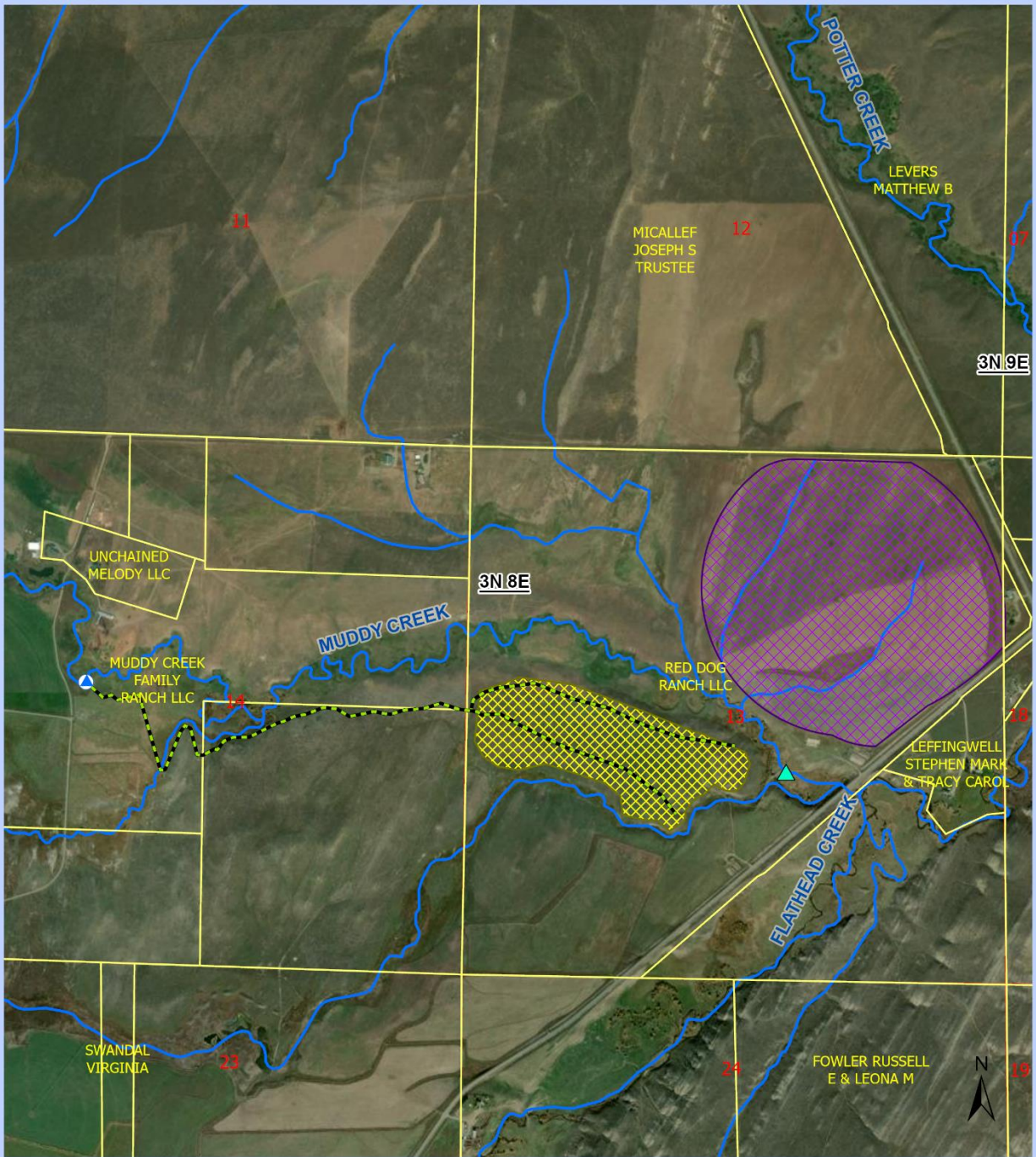
Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:
Red Dog Ranch LLC
396 NE Oats Ave
Madison, FL 32340
2. Type of action: Application to Change an Existing Irrigation Water Right No. 43A 30158389 by Red Dog Ranch LLC.
3. Water source name: Muddy Creek
4. Location affected by project: The Applicant proposes to change the point of diversion (POD) and place of use (POU) of Statement of Claim 43A 190569-00. The proposed POD is a pump site located in Muddy Creek in the NWNWSE of Section 13, T3N, R8E, Park County. The proposed POU is a 160-acre field in Section 13, T3N, R8E, Park County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Applicant submitted Change Application 43A 30158389 on December 8, 2022 to the Bozeman DNRC Water Resources Office. The Applicant proposes to change POD and POU of Statement of Claim 43A 190659-00. There will be no change in purpose or place of storage as part of this change. Claim 43A 190659-00 will be supplemental to Claims 43A 190660-00, 43A 190661-00, 43A 190662-00, 43A 190663-00, 43A 190664-00, 43A 190666-00, 43A 190667-00, 43A 190668-00, and 43A 190669-00 as a result of the proposed change. The DNRC shall issue a change authorization if an Applicant proves the criteria in 85-2-402 MCA are met.

Change Application 43A 30158389 Red Dog Ranch LLC



- ▲ Historic POD
- ▲ Proposed POD
- Kaiser Ditch
- Proposed POU
- Historic POU



0 0.13 0.25 0.5 Miles

1:15,651

Aerial Imagery: World
Imagery: Maxar
Map Created: 15/01/2024
Lyra Reynolds

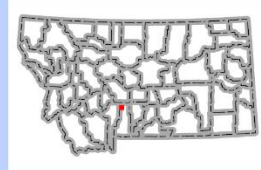


Figure 1. Historical and proposed use of Change Authorization 43A 30158389

6. Agencies consulted during preparation of the Environmental Assessment:
- Montana Department of Fish, Wildlife & Parks (FWP) – Dewatered Streams Page 3 of 4 https://gis-mtfdwp.opendata.arcgis.com/datasets/e0849312c41b415992a075f8696164c8_0/explore?location=46.751212%2C-110.425168%2C7.85
 - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC) <https://clean-water-act-information-center-mtdeq.hub.arcgis.com/>
 - Montana National Heritage Program (MTNHP) – Natural Heritage Map Viewer <https://mtnhp.org/mapviewer/?t=7>
 - U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
 - Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS) <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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.

A February 6, 2024, search of DFWP data does not list the stretch of Muddy Creek adjacent to the project is not listed as a periodically or chronically dewatered stream. The proposed diverted volume is lower than the historically diverted volume so water quantity in the source will not decrease as result of the proposed change. Return flows will be left in the source, so there will be no decrease of return flows that return back to Muddy Creek as a result of the proposed change.

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.

The source of the water right proposed for change is Muddy Creek. A February 6, 2024, search of the DEQ CWAICE website does not list Muddy Creek on the Montana Impaired Waters 2020 list. The proposed project involves adding a pump POD to divert water. The proposed change is not likely to affect water quality because the proposed use of water is less than the historical use of water.

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 identified.

The proposed use does not involve a groundwater component.

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 identified.

The proposed project involves the installation of a pump diversion to a center-pivot irrigation system. The historical POD will no longer be operated for irrigation use. The installation of the pump occurred as a result of a prior Change Authorization (43A 19066000) and will be used as part of this proposed change. The Application did not report that the addition of the pump created a barrier or modified flow regimes in Muddy Creek. The installation of the pump involved small scale and temporary disturbance to the riparian areas but is not expected to create a significant impact on the source.

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 identified.

A February 6, 2024, search of the Montana Heritage Program’s website for T3N, R8E, Park County returned the following results:

- 44 animal Species of Concern: Canada Lynx, Little Brown Myotis, Swift Fox, Wolverine, American Goshawk, American White Pelican, Baird’s Sparrow, Black Rosy-Finch, Black Tern, Black-necked Stilt, Bobolink, Brewer’s Sparrow, Brown Creeper, Caspian Tern, Cassin’s Finch, Chestnut-collared Longspur, Clark’s Grebe, Clark’s Nutcracker, Common Loon, Common Tern, Evening Grosbeak, Ferruginous Hawk, Forester’s Tern, Franklin’s Gull, Golden Eagle, Gray-crowned Rosy-Finch, Great Blue Heron, Great Gray Owl, Greater Sage-Grouse, Green-tailed Towhee, Horned Grebe, Least Tern, Loggerhead Shrike, Long-billed Curlew, Sage Thrasher, Sagebrush Sparrow, Sharp-tailed Grouse, Sprague’s Pipit, Trumpeter Swan, Veery, White-faced Ibis, Northern Leopard Frog, Western Toad, Yellowstone Cutthroat Trout
- 4 animal Potential Species of Concern: North American Porcupine, Barrow’s Goldeneye, Hooded Merganser, Short-eared Owl
- 1 animal Special Status Species: Bald Eagle
- 2 plant Species of Concern: Mojave Brickellbush, California False-hellebore
- 0 plant Potential Species of Concern
- 0 plant Special Status Species

The proposed project will not increase the flow rate or volume of diverted water over historic values. The proposed project will move the POD downstream on Muddy Creek and has not been reported to impact the flow regime. The proposed diversion has not been reported to create a barrier to the migration or movement of aquatic species. The proposed POU is downstream of the historical POU and is more acres of irrigation. However, the Applicant will only divert the historically consumed volume as a result of this change and will leave historical return flow volume in Muddy Creek. The proposed project is not anticipated to have a significant impact on endangered or threatened 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.

A February 6, 2024, search on the National Wetlands Inventory Mappers shows Freshwater Emergent Wetlands along Muddy Creek, but not within the historical POU or proposed POU. The proposed change is not expected to impact any wetlands in the areas surrounding the project area.

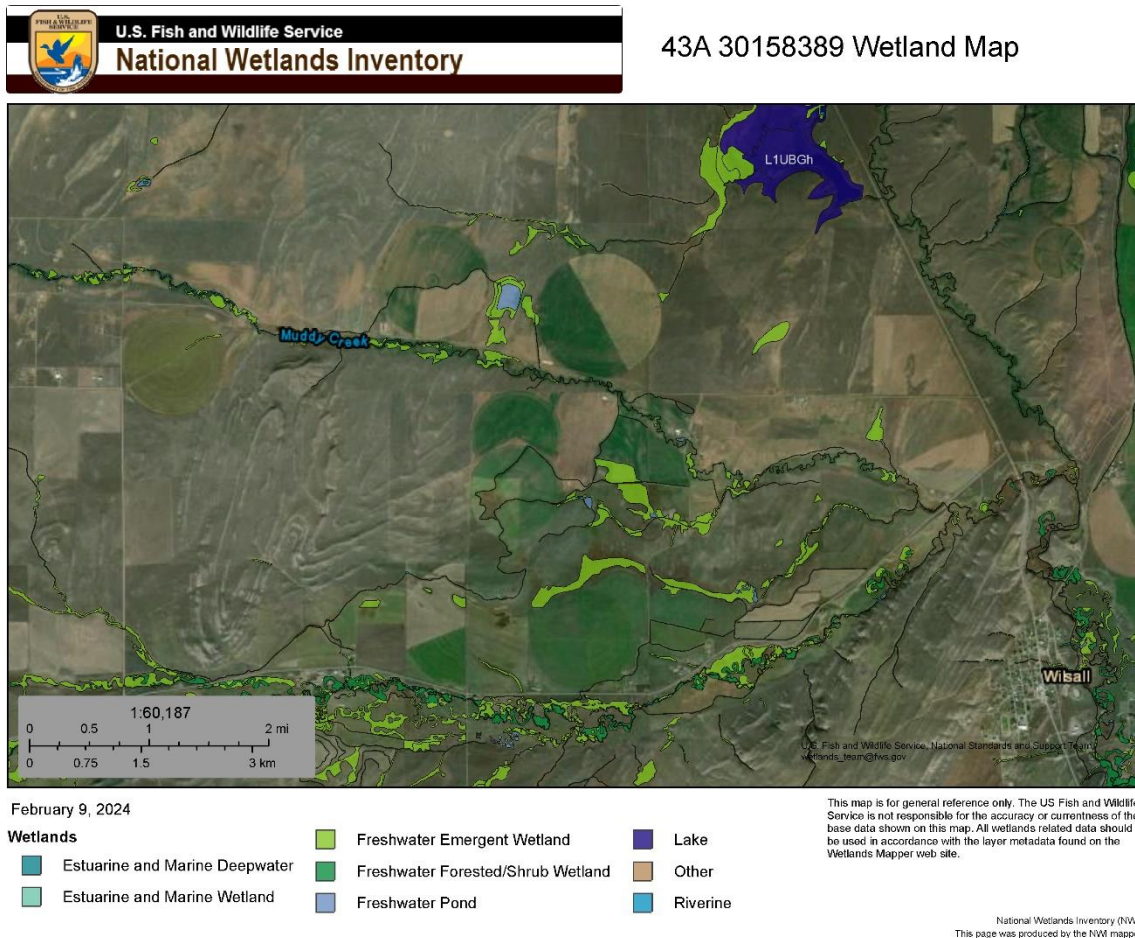


Figure 2. Wetlands surrounding the proposed project area

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

Determination: No significant impact identified.

There are no ponds involved in the proposed project.

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 identified.

A February 6, 2024, search of the NRCS Web Soil Survey identified a low surface salinization risk in the project area. The proposed project is not predicted to increase soil salinization risk. The proposed POU is currently irrigated by other rights and the addition of irrigation water for this project, under water right 43A 190659-00, is not expected to impact soil salinity. The proposed pump diversion installation may have caused temporary and minor disturbance in the soil but is not anticipated to have a significant impact.

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 identified.

The disturbance associated with installing the pump in Muddy Creek was minimal and should not promote the establishment of noxious weeds. Under Montana law, private landowners are responsible for noxious weed control 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 significant impact identified.

The proposed project will not impact air quality.

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: No significant impact identified.

The proposed project is not located on State or Federal Lands. The Applicant did not mention significant historical or archeological sites on the property.

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 identified.

No impacts on environmental resources of land, water, or energy not already addressed.

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 identified.

The proposed project is to change the POD and POU for irrigation use, which is a recognized beneficial use of water within the State of Montana (§85-2-102(5), MCA). Agricultural irrigation is a locally accepted practice within Park County.

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 identified.

The proposed project is located entirely on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

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

Determination: No significant impact identified.

The project will not impact human health.

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 identified.

This project does not impact government regulations on private property rights.

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 impacts identified.
- (b) Local and state tax base and tax revenues? No significant impacts identified.
- (c) Existing land uses? No significant impacts identified.
- (d) Quantity and distribution of employment? No significant impacts identified.
- (e) Distribution and density of population and housing? No significant impacts identified.
- (f) Demands for government services? No significant impacts identified.
- (g) Industrial and commercial activity? No significant impacts identified.
- (h) Utilities? No significant impacts identified.
- (i) Transportation? No significant impacts identified.
- (j) Safety? No significant impacts identified.
- (k) Other appropriate social and economic circumstances? No significant impacts identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No significant secondary impacts identified.

Cumulative Impacts No significant cumulative impacts identified.

3. *Describe any mitigation/stipulation measures:* The proposed pump diversion and place of use will be used along with water rights that divert out of Flathead Creek. The Applicant will be required to provide water measurements at the proposed diversion to ensure no expansion will occur as a result of the change. For the change authorization to be granted by the DNRC, the Applicant must prove the criteria in §85-2-402, MCA are met.

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 “no action” alternative would be to continue irrigation of the historical POU using the historical Kaiser Ditch headgate. The Applicant would not change where water is diverted or used.

PART III. Conclusion

1. **Preferred Alternative** The preferred alternative is to grant the Change Application if the Applicant has proven the criteria of §85-2-402, MCA.

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: The EA is the appropriate level of analysis because the proposed project is to change the POD and POU of Statement of Claim 43A 190659-00 for irrigation use. Agricultural irrigation is consistent with state and local plans. No significant impacts were identified as defined in ARM 36.2.524.

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

Name: Lyra Reynolds

Title: Hydrologist/Water Resource Specialist

Date: February 27, 2024