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:

   LUMSDEN FARMS LLC
   303 WATERMARK DR
   PEACHTREE CITY, GA 30269

2. Type of action: APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 43B 30160134. The Applicant has excavated a developed spring and proposes to appropriate 25 gallons per minute (GPM) up to 3.66 acre-feet (AF) of water per year for stock from June 1 – November 30 within the Yellowstone Controlled Groundwater Area (YCGA).

3. Water source name: GROUNDWATER. The spring is located on the Applicant's property and is approximately 140 ft from Gulch Creek.

4. Location affected by project: NESESESE Section 9, T8S, R6E, Park County (spring) and NWNWNESW & SWSWSENW (place of use) of Section 10, T8S, R6E, Park County. The developed spring is located in Section 9 of T8S, R6E. This is private property owned by the Applicant in a rural neighborhood within the town of Gardiner. (See Figure 1 for a map on the next page.)

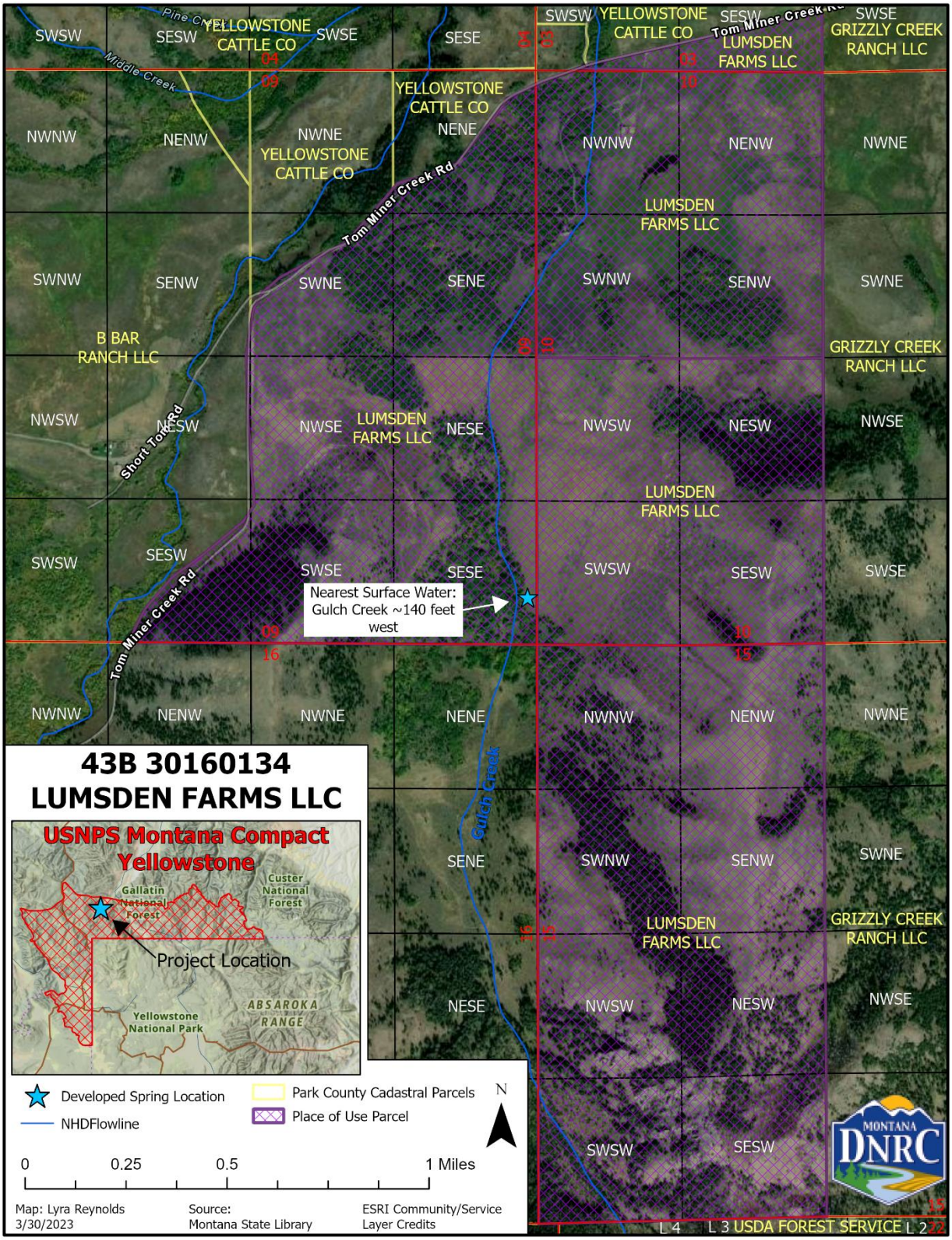

Figure 1. Map of location affected by project.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to pump a maximum of 25 GPM not to exceed 3.66 AF per year of water for stock use from June 1 to November 30. The spring is located on private property in Gardiner and is located within the YCGA. The water from this spring measured 45 degrees Fahrenheit. The water had a specific conductance of 266 micromhos when measured later at the Bozeman Regional Office.

   The National Park Service has received notification of this application, no objection was received.

6. Agencies consulted during preparation of the Environmental Assessment:
   - Montana Department of Fish, Wildlife & Parks (DFWP) – Montana Fisheries Information System (MFISH)
     https://myfwp.mt.gov/fishMT/explore
   - 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) – Species of Concern:
     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. The source of water is groundwater, which is not listed by DFWP. However, the developed spring is located approximately 140 ft from Gulch Creek, a tributary of Tom Miner Creek. As determined by a search of MFISH, conducted on 03/31/2023, Gulch Creek is not listed as chronically or periodically dewatered by DFWP. The developed spring's proposed flow rate of 25 GPM and annual volumetric usage of 3.66 AF will not have a significant impact on nearby surface water flow or water users.

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 water is groundwater, which is not listed by the Montana Department of Environmental Quality (DEQ) on the CWAIC website. Adjacent surface water quality is not likely to be affected by the proposed developed spring, as the spring has been developed to divert only groundwater.

According to an April 11, 2023 search of the CWAIC website, the nearby stretch of Gulch Creek, a tributary to Tom Miner Creek, is not on the Montana Impaired Waters 2020 list. This developed spring is unlikely to impact the surface 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 significant impact. The source of water is groundwater. Groundwater quality is not likely to be affected by the proposed spring.

The developed spring is located approximately 140 ft from nearby surface water in Gulch Creek, a tributary to Tom Miner Creek. The proposed 25 GPM up to 3.66 AF per year are not likely to have a significant impact on surface water flows, nor are they likely to have a significant impact on nearby water right owners. Water use will be measured with a meter supplied by DNRC.

The U.S. National Park Service was notified of this application pursuant to the State of Montana/U.S. National Park Service Compact, Article II, Section B.2.b.ii.3.(b).

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. Water will be diverted from the developed spring using a pipeline, and use will be measured as required by the State of Montana/National Park Service Compact. The spring has been developed to divert only groundwater. The diversion works should not create significant channel impacts, flow modifications, or barriers. No significant impacts to existing resources have been identified.

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. A search of the Montana Heritage Program's website on January 15, 2025, for Sections 9 and 10, T8S, R6E, Park County, returned the following results:

- 15 animal Species of Concern: Grizzly Bear, American Goshawk, American White Pelican, Black Rosy-Finch, Brewer's Sparrow, Brown Creeper, Cassin's Finch, Clark's Nutcracker, Evening Grosbeak, Golden Eagle, Gray-crowned Rosy-Finch, Green-Tailed Towhee, Pacific Wren, Rocky Mountain Cutthroat Trout, White-faced Ibis
- 1 animal Potential Species of Concern: Barrow's Goldeneye
- 1 animal Special Status Species: Bald Eagle

- 0 plant Species of Concern
- 0 plant Potential Species of Concern
- 0 plant Special Status Species

As this proposed application is to divert water from a developed spring located on private property, no significant impacts will occur to threatened, endangered, or special concern species. The pumping of groundwater will not decrease surface water flows to significantly impact any of these 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. According to a January 15, 2025, search of the USFWS Wetlands Mapper, Forested/Shrub wetlands exist in the area of the developed spring. No wetlands exist in the location of the stock tanks. Diverting groundwater for stock use up to 3.66 AF is not expected to significantly impact the wetlands near the developed spring. No wetlands are involved in the project.

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

Determination: Not applicable. No ponds are involved in the 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. This developed spring was constructed to divert only groundwater, so there should not be significant impacts on nearby streambanks and vegetative cover. Use of water will continue in a manner consistent with locally accepted, historic practices and will not significantly impact soil quality. The NRCS Soil Survey website, queried on January 15, 2025, did not identify any saline seeps in the area.

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. This developed spring has been constructed to divert only groundwater, so there should not be significant impacts on nearby streambanks and vegetative cover. A small area was disturbed by developing the spring, but this should have no significant impact on the surrounding area's vegetative cover and neither should it allow the establishment of noxious weeds. Under Montana law, owners 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. No deterioration of air quality will result from the development of this spring or diversion of water from it.

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: Not applicable. The project is not located on State or Federal Lands. Further, the Applicant made no mention of 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. No other demands on environmental resources of land, water, and energy are anticipated.

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. Developing springs to divert groundwater for stock use is a locally accepted practice within the state of Montana and Paradise Valley.

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. Significant recreational and wilderness activities exist in the area, but the proposed project is located on small parcel of private property in a rural/agricultural neighborhood and will not impact access to or the quality of recreational and wilderness activities.

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

Determination: No significant impact. The use of the developed spring for stock use 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: The 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 impacts identified.

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

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** Pursuant to the State of Montana/National Park Service Compact, the Applicant is required to measure water use. The Applicant will report this volume to the Montana Bureau of Mines and Geology annually.

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:*** If the Applicant is not allowed to divert water from the developed spring, they may not be able to supply their livestock with water for stock purposes. The alternative action would be to use existing wells or water supply to provide water to the stock. The no action alternative would be to not divert water from the developed spring, which could leave the Applicant's livestock without water.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to obtain a water right permit to use the developed spring.

2 ***Comments and Responses:*** None at this time.

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 develop a spring in the YCGA for stock use from 6/1 to 11/30, which is a locally accepted practice, and no significant impacts are anticipated. None of the identified impacts for any of the alternatives is significant 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: January 16, 2025