

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:
PARK CONSERVATION DISTRICT
5242 US HWY 89 S
LIVINGSTON, MT 59047
2. Type of action: Application to Change Water Right No. 43B 30164489, by Park Conservation District
3. Water source name: Yellowstone River
4. Location affected by project: The proposed POU for irrigation is located in Sections 33 and 34, T6S, R7E, and Sections 3 and 4, T7S, R7E, all in Park County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
Applicant submitted Change Application 43B 30164489 on February 12, 2025, to the Bozeman DNRC Water Resources Office. The Applicant proposes to change the place of use (POU) of a portion of Park Conservation District (Park CD) Water Reservation No. 43B 10004-00 (CD Record No. 43B 30164990). No change in the point of diversion (POD), purpose, or place of storage is proposed. A flow rate of 2.6 CFS and a maximum volume of 161.2 AF/YR of the Park CD water reservation will be used for irrigation on 189.6 acres. The requested period of diversion is April 15 to October 19. A map of the proposed project is shown in Figure 1 on the following page. The DNRC shall issue a change authorization if an Applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
 - Montana Department of Fish, Wildlife & Parks (FWP)- Dewatered Streams Page 3 of 4 [FISHMT :: Waterbody Search](#)
 - Montana Department of Environmental Quality (DEQ)- Clean Water Act Information Center (CWAIC) [Clean Water Act Information Center](#)
 - Montana National Heritage Program (MTNHP)- National Heritage Map Viewer [NHP Generalized Observations](#)
 - U.S. Fish & Wildlife Service (USFWS)- National Wetlands Inventory Wetlands Mapper [Web Soil Survey](#)
 - Natural Resource Conservation Service (NRCS)- Web Soil Survey (WSS) [National Wetlands Inventory](#)

43B 30164489 - Proposed Use

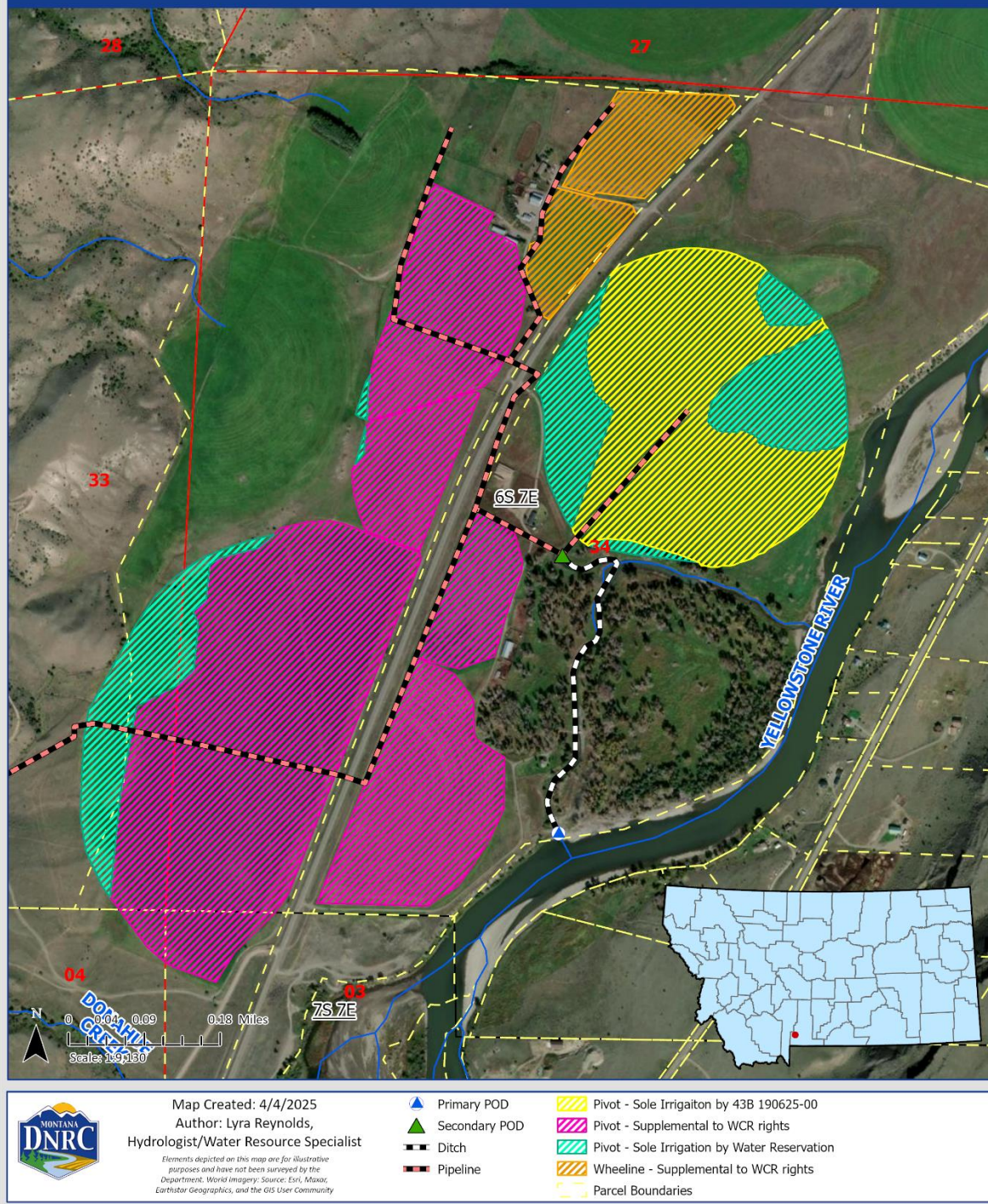


Figure 1. Proposed use for Change Application 43B 30164489

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.

An April 11, 2025, search of DFWP data does not list the stretch of the Yellowstone River adjacent to the project as periodically or chronically dewatered. The new project will utilize a portion of the Park Conservation District's water reservation from the Yellowstone River to supply water for irrigation of 189.6 acres. This application is to change a non-perfected proportion of the Park Conservation District water reservation granted by the Order of the Board of Natural Resources Establishing Water Reservations. No impact to water quantity is expected as a result of this 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.

An April 11, 2025, search of DEQ Impaired Waters 2020 data on the CWAIC identified the Yellowstone River, from Reese Creek to Bridger Creek, was assessed for impairments. Agricultural use, Drinking Water use, and Primary Contact Recreation use were not assessed, but the search showed the source to be not fully supporting Aquatic Life use. The impairments are suspected to be caused by alteration in streamside or littoral vegetative covers and physical substrate habitat alterations from the following:

- Loss of Riparian Habitat
- Site Clearance
- Streambank Modifications/destabilization

The proposed project involves changing the POU of a non-perfected proportion of the Park Conservation District water reservation granted by the Order of the Board of Natural Resources Establishing Water Reservations. The withdrawal of 2.6 CFS for irrigation use from the Yellowstone River is unlikely to change 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 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.

The proposed project does not involve a change in POD. The Applicant will use a diversion works that is a stem and handwheel headgate opening into a three-foot culvert on the northwest bank of the Yellowstone River. The diversion is currently in use under the West Creek Ranch's irrigation Statement of Claim 43B 190625-00. Water is conveyed from the POD through a ditch to a pump site, where two separate pumps are located. From each of the pumps, water is pumped from the ditch into a system of pipelines, which supplies water to the various pivots and sprinkler systems across the POU. The diversion works have already been constructed and have been in use for over 50 years under other water rights. The diversion works have little possibility of creating barriers to wildlife or modifications to channel flow.

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.

An April 11, 2025, search of the Montana Heritage Program's website for T6S, R7E, Park County returned the following results:

- 54 Animal Species of Concern: Canada Lynx, Grizzly Bear, Little Brown Myotis, Long-eared Myotis, Long-legged Myotis, Merriam's Shrew, Northern Hoary Bat, Silver-haired Bat, Wolverine, American Bittern, American Goshawk, American White Pelican, Black-Rosy Finch, Black Swift, Black-beaked Woodpecker, Black-necked Stilt, Bobolink, Brewer's Sparrow, Brown Creeper, Burrowing Owl, Caspian Tern, Cassin's Finch, Chestnut-collared Longspur, Clark's Grebe, Clark's Nutcracker, Common Loon, Common Tern, Evening Grosbeak, Ferruginous Hawk, Foster's Tern, Franklin's Gull, Golden Eagle, Gray-crowned Rosy-Finch, Great Blue Heron, Green-tailed Towhee, Harlequin Duck, Horned Grebe, Lewis's Woodpecker, Loggerhead Shrike, Long-billed Curlew, Pacific Wren, Pinyon Jay, Piping Plover, Sage Thrasher, Sharp-tailed Grouse, Solitary Sandpiper, Trumpeter Swan, Varied Thrush, Veery, White-faced Ibis, Whooping Crane, Western Toad, Rock Mountain Cutthroat Trout, Westslope Cutthroat Trout
- 12 Animal Potential Species of Concern: Uinta Ground Squirrel, Barrow's Goldeneye, Black-and-white Warbler, Boreal Owl, Broad-tailed Hummingbird, Common Poorwill, Great Gray Owl, Hooded Merganser, Ovenbird, Rufous Hummingbird, Tennessee Warbler, Western Screech-Owl, Brook Stickleback
- 1 Animal Special Status Species: Bald Eagle
- 12 Plant Species of Concern: Nevada Clubbrush, Sitka Columbine, Wedge-leaf Saltbush, Slender Indian Paintbrush, Slim Larkspur, Marsh Horsetail, Meadow Horsetail, Beautiful

Fleabane, Mountain Lousewort, Whitebark Pine, Spiny Skeletonweed, Kruckeberg's Swordfern

- 3 Plant Potential Species of Concern: Electric Peak Larkspur, Suksdorf Monkeyflower, Austin's Knotweed
- 0 Plant Special Status Species

The proposed project will use existing POD infrastructure. The diversion has not been reported to create a barrier to the migration or movement of aquatic species. 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.

An April 21, 2025, search on the National Wetlands Inventory Mappers shows some freshwater emergent wetland in the project area. No significant impacts on wetlands in the area are expected as a result of the proposed change.

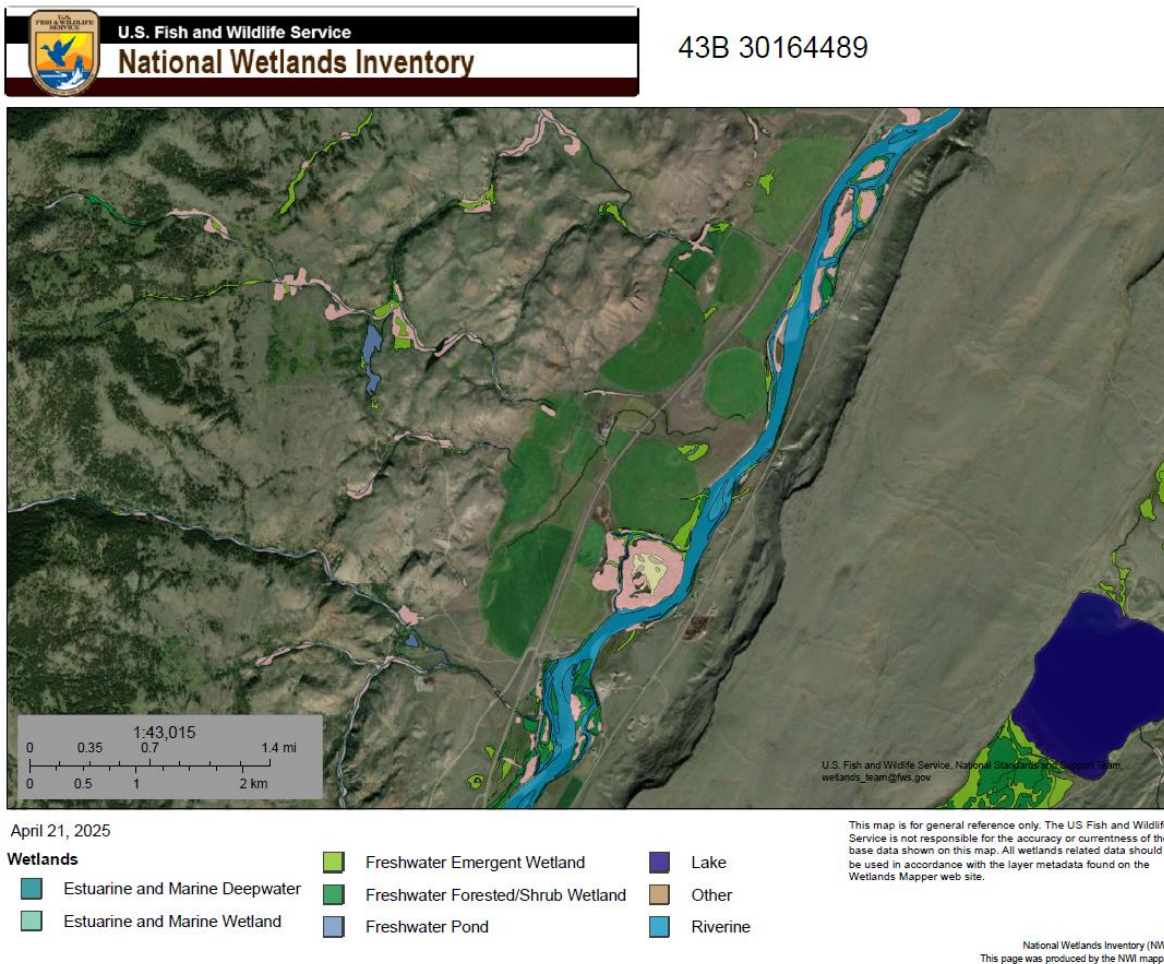


Figure 2. Wetlands in the proposed project area

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

Determination: No significant impact.

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: An April 21, 2025, search of the NRCS Web Soil Survey identified high surface salinization risk, low surface salination risk, and areas that are already saline. The proposed project of the water reservation overlaps POUs for privately owned irrigation water rights and will not further increase salination of soils. The proposed change to irrigation use is not predicted to increase soil salinization risk.

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.

The proposed irrigation 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.

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 impacts.

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.

This change application is to change the POU of Water Reservation No. 43B 10004-00 for irrigation use, which is recognized beneficial use of water within the State of Montana a (§85-2-102(5), MCA).

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 change 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.*

1. Impacts on:

(a) Cultural uniqueness and diversity? No significant impact identified.

(b) Local and state tax base and tax revenues? No significant impact identified.

- (c) Existing land uses? No significant impact identified.
- (d) Quantity and distribution of employment? No significant impact identified.
- (e) Distribution and density of population and housing? No significant impact identified.
- (f) Demands for government services? No significant impact identified.
- (g) Industrial and commercial activity? No significant impact identified.
- (h) Utilities? No significant impact identified.
- (i) Transportation? No significant impact identified.
- (j) Safety? No significant impact identified.
- (k) Other appropriate social and economic circumstances? No significant impact 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 Park Conservation District is proposing to add a new POU to their water reservation. The Park Conservation District Authorization requires the water user to keep written records of the flow rate and volume of all water diverted and to submit the report to the Conservation District annually by November 1. The portion of the water reservation proposed for change, reflected on Conservation District Record No. 43B 30164490, will be supplemental to private water rights owned by the end user of the Park Conservation District water (West Creek Ranch, LLC). 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 prevent the producer from increasing agricultural production and does not make progress towards the Conservation District from fulfilling its responsibility with respect to the water reservation.

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:** 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 change the POU of a portion of Park Conservation District Water Reservation No. 43B 10004-00. The Applicant proposes to use the water right for irrigation use and will use a maximum diverted volume of 161.2 AF and up to a maximum 2.6 CFS flow rate. No change in the POD, purpose, or place of storage is proposed. Irrigation is consistent with state and local plans. None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Kendrew Ellis

Title: Water Resource Specialist

Date: April 21, 2025