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: SUNLIGHT RANCH COMPANY
710 ROAD 8VE
POWELL, WY 82435

Type of action: Application to Change an Existing Irrigation Water Right 43O 30161500

Water source name: Little Bighorn River

Location affected by project: Sections 1, 2, 3, 9, 10, 11, 16, and 17, T9S, R34E, Big Horn County and Sections 35 and 36 T8S, R34E, Big Horn County

Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The Applicant proposes changes to the point of diversion (POD) and place of use (POU) for Statement of Claim 43O 208965-00. The Applicant proposes to add a POD in the NWSENW Sec. 16, T9S, R34E. The historical POD from the Antler Land Company Ditch (Antler Ditch) headgate in the SWSWSW Sec. 17, T9S, R34E will continue to be used. The Applicant proposes to remove 195.6 AC of irrigation within the historical POU, generally in Sections 1, 2, 3, 10, 11 and 16, T9S, R34E, and Sections 35 and 36, T8S, R34E, Big Horn County. Under the proposed change, 1,836.0 AC within the historical POU footprint will remain. The Applicant proposes to add 105.5 AC of irrigation outside of the historical POU. The new POU includes 27.9 AC of pivot irrigation on the Antler Ditch in Sections 2, 3, 10, 16 and 17, T9S, R34E, and in Sections 35 and 36, T8S, R34E, and 77.6 AC of irrigation to the south of the Little Bighorn River in Section 16, T9S, R34E. The 77.6 AC south of the Little Bighorn River include 62.2 AC of pivot irrigation and 15.4 AC of flood irrigation. The total acres irrigated historically under this water right prior to this change are 2,031.6 AC. The total acres proposed for irrigation if the change is authorized are 1,941.5 AC. Proposed changes will bring the water right into compliance with the current irrigation practices. No additional flow rate or volume are requested through this change. 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
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 Little Bighorn River is not listed on the Montana FWP list of chronically or periodically dewatered streams. The proposed change will not increase the flow rate or volume of water already appropriated through Statement of Claim 43O 208965-00 and will have no novel effect on water quantity.

Determination: No significant impact

Water quality **–** Water in the Little Bighorn River is not expected to diminish in quality due to the proposed change. More acres were historically irrigated than are proposed for irrigation. The additional point of diversion will not change the use of water. Montana DEQ does not classify water within the Crow Reservation boundaries, including the Little Bighorn River.

Determination: No significant impact

Groundwater **–** The changes to Point of Diversion and Place of Use will not have any significant impact on groundwater although they may increase groundwater recharge within the proposed place of use.

Determination: No significant impact

Diversion works - Statement of Claim 43O 208965-00 is for the diversion of up to 50.79 CFS from the Little Bighorn River via the headgate for the Antler Land Company Ditch (Antler Ditch) in the SWSWSW Section 17, T9S, R34E, to irrigate 2,031.6 acres in Big Horn County. The Antler Ditch headgate and diversion works used for this water right have been in place and operational for over one hundred years. The Applicant proposes to add a new point of diversion in NWSENW Sec. 16, T9S, R34E which is a headgate associated with the historical Black Gulch Ditch. The Black Gulch Ditch has been in existence since at least the Big Horn Water Resources Survey published in 1947. There is no expected impact to the proposed infrastructure.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **–** According to the Montana NHP, there are no animal or plant species of concern in the proposed project area. According to the Montana SGHBP Map, this project is not within an area identified as Sage Grouse habitat. The proposed project is consistent with the current agricultural use of land in the area and is not likely to impact threatened or endangered species or create barriers to migration or movement of fish or wildlife.

Determination: No significant impact

Wetlands **–** According to wetland mapping by the USFWS, the wetlands in the project area include freshwater emergent wetlands, freshwater forested/shrub wetlands, and riparian wetlands associated with the Little Bighorn River and its tributaries. A portion of the proposed place of use for irrigation in Section 1, T9S, R34E overlaps with an area mapped as freshwater emergent wetland and freshwater forested/shrub wetland. The pivot has been in place for several years and was flood irrigated prior to the installation of the pivot. Continued agricultural use should have no significant impact to wetlands in the area.

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 type in the project area is Shaak silty clay loam which is well drained and very slightly saline to moderately saline. Danvers silty clay loam, 0 to 1 percent slopes, is the next most common soil type in the project area and is well drained and nonsaline to very slightly saline. These soil types are both classified as prime farmland if irrigated. The proposed changes are unlikely to cause any impact on soil quality or stability.

Determination: No significant impact.

Vegetation Cover, Quantity and Quality/Noxious Weeds – Existing vegetative cover in the area is agricultural cropland. All of the infrastructure for the proposed change is already in place and operational.

Determination: No significant impact

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

Determination: No impact

Historical and archeological sites **–** NA-project not located on State or Federal Lands.

Determination: Not applicable

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 proposed project is located on privately owned agricultural land. The project will not impact access to recreational or wilderness activities.

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: None

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 irrigation system. The no action alternative does not prevent or mitigate any significant environmental impacts.

PART III. Conclusion

1. Preferred Alternative: Issue the change authorization if the applicant proves 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: December 18, 2024