

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:
ABCW, LLC
7673 Caballero Dr
Sandy, UT 34093-6237
2. Type of action: Application for Change of Appropriation Water Right No. 41D 30162271 by ABCW, LLC
3. Water source name: Big Hole River
4. Location affected by project: The Applicant proposes to change the place of use (POU) of Statement of Claim 41D 191123-00. The proposed POU includes a 63.5-acre golf course in the SW Section 21, NW Section 28, and NE Section 29, all in T4S, R7W, Madison County. A total 369.4 acres will be irrigated following the proposed change.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Applicant submitted Change Application No. 41D 30162271 on December 21, 2023, to the Bozeman DNRC Water Resources Office. The Applicant proposes to change the POU of Statement of Claim 41D 191123-00 to irrigate 32.3 acres outside of the historical POU and retire 67.8 historically irrigated acres; a total 369.4 acres are proposed for irrigation following the change. No change in point of diversion (POD), purpose, or place of storage will occur as part of this change. Claim 41D 191123-00 will continue to be used for irrigation and wildlife-waterfowl purposes after the proposed change. This change was submitted with concurrent Change Application No. 41D 30162270. 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 (DFWP) – 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>

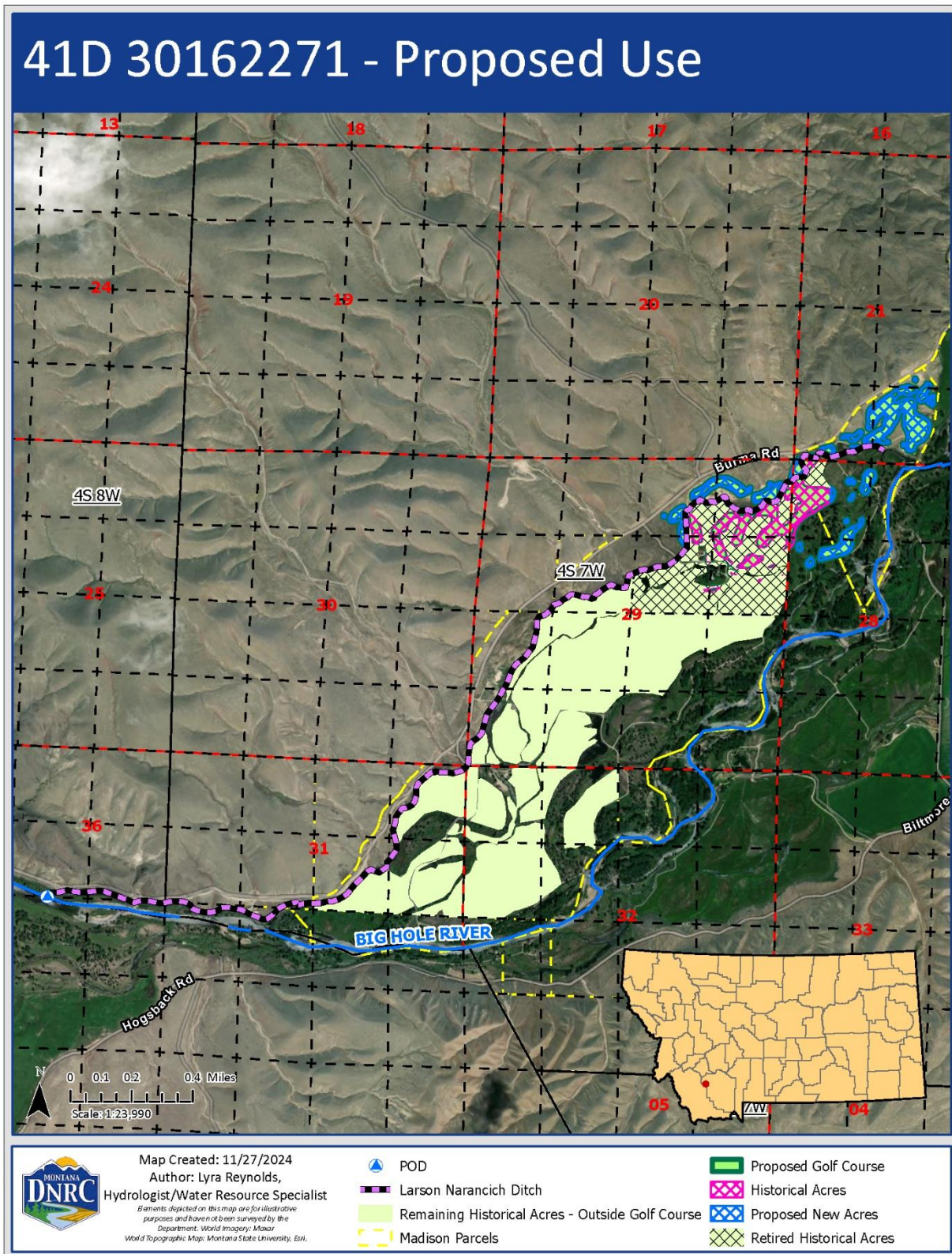


Figure 1. Historical and proposed use of Change Application No. 41D 30162271

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 26, 2025, search of DFWP data does list the Big Hole River adjacent to the project as chronically dewatered. The proposed diverted volume is less than the historically diverted volume. Return flows will continue to accrue to the Big Hole River downstream of the NWNE Section 31, T4S, R7W, Madison County, as they did historically. The volume of water left instream following the change in POU, equal to 17.7 AF, is greater than the difference in historical and proposed return flow volumes. The water quantity in the source will not decrease as a result of the proposed change, and the dewatered condition will not worsen due to 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 the Big Hole River. A February 26, 2025, search of the DEQ CWAIC website lists the stretch of the Big Hole River from Divide Creek to the mouth of the Jefferson River as fully supporting agricultural use and not fully supporting aquatic life and drinking water uses. Insufficient information exists to assess primary contact recreation use. The CWAIC assessment states the impairment to aquatic life may have resulted from cadmium, lead, copper, and zinc exceedances, physical substrate habitat alterations, temperature exceedances, and flow regime modification. The drinking water impairment is suspected to result from cadmium and lead exceedances in the Big Hole River. No change in POD is proposed and diversions will continue to operate as they have historically. The proposed change in POU is not anticipated to negatively impact water quality as water will continue to be used for irrigation and wildlife-waterfowl uses, the proposed diverted volume is less than historical, and non-consumed water will continue to return to the Big Hole River as historically.

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 change 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 continue to use the historical headgate and Larson-Narancich Ditch to divert and convey water from the Big Hole River to the proposed POU. Diversions will continue to be operated as they were historically, so no impact to channels, flows regimes, or riparian areas will occur as a result of the proposed change.

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 February 26, 2025, search of the Montana Heritage Program’s website for T4S, R7W, Madison County returned the following results:

- 45 animal Species of Concern: Columbia Plateau Pocket Mouse, Little Brown Myotis, Long-eared Myotis, Northern Hoary Bat, Spotted Bat, American Goshawk, American White Pelican, Black Tern, Black-necked Stilt, Bobolink, Brewer’s Sparrow, Brown Creeper, Burrowing Owl, Caspian Tern, Cassin’s Finch, Clark’s Grebe, Clark’s Nutcracker, Common Loon, Evening Grosbeak, Ferruginous Hawk, Forster’s Tern, Franklin’s Gull, Golden Eagle, Gray-crown Rosy-Finch, Great Blue Heron, Great Gray Owl, Greater Sage-Grouse, Green-tailed Towhee, Horned Grebe, Lewis’s Woodpecker, Loggerhead Shrike, Long-billed Curlew, Sage Thrasher, Sagebrush Sparrow, Sprague’s Pipit, Thick-billed Longspur, Trumpeter Swan, Veery, White-faced Ibis, Whooping Crane, Northern Leopard Frog, Western Toad, Arctic Grayling, Rocky Mountain Cutthroat Trout, Westslope Cutthroat Trout
- 10 animal Potential Species of Concern: Black-tailed Jackrabbit, Idaho Pocket Gopher, North American Porcupine, Silver-haired Bat, Barrow’s Goldeneye, Boreal Owl, Hooded Merganser, Rufous Hummingbird, Short-eared Owl, Burbot
- 1 animal Special Status Species: Bald Eagle
- 7 plant Species of Concern: Daggett Rockcress, Annual Indian Paintbrush, Beaked Spikerush, Railroad Canyon Wild Buckwheat, Mealy Primrose, Lemmon’s Alkaligrass, Ute Ladies’-tresses
- 1 plant Potential Species of Concern: Limestone Larkspur
- 0 plant Special Status Species

The proposed project will not increase the flow rate or volume of water diverted over historical values. The proposed project continues to use the historical POD. The diversion has not been reported to create a barrier to the migration or movement of aquatic species. The change in POU

will decrease the volume diverted for irrigation and wildlife-waterfowl uses, and the Applicant proposes to leave the remaining water in the Big Hole River. 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 26, 2025, search on the National Wetlands Inventory Mapper shows no wetlands in the project area. The Wetlands Inventory Mapper shows Riverine Systems within the channels of the Big Hole River around the project area. The Applicant proposes to decrease the volume diverted for irrigation and wildlife-waterfowl uses, which will not negatively impact the riverine systems within the river. No significant impacts will occur as a result of the proposed change in place of use.

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

Determination: No significant impact.

Claim 41D 191123-00 is used for irrigation and wildlife-waterfowl uses. Three ponds filled with water diverted from the Big Hole River are authorized for the wildlife-waterfowl uses. The proposed change in POU will not impact the diversion operations nor the use of the ponds.

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.

A February 26, 2025, search of the NRCS Web Soil Survey identified a low surface salinization risk in the project area. The Applicant will continue to irrigate a portion of the historical acres and the addition of 32.3 acres outside the historical POU is not anticipated to affect soil salinization. Water will be applied to the new acres using a sprinkler system that allows for field application to be controlled. The Applicant will remove or fill field ditches that historically supplied the retired acres to ensure no intentional irrigation occurs on the 67.8 retired acres. The proposed project 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 retirement of acres and adding new acres should not promote 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 impact.

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.

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.

The proposed project is to change the POU for continued irrigation use. The Applicant will also continue to use Claim 41D 191123-00 for wildlife-waterfowl use as well. Both irrigation and wildlife-waterfowl uses are recognized beneficial uses of water within the State of Montana (§85-2-102(5), MCA). Diverting water for agricultural irrigation and wildlife-waterfowl ponds are locally accepted practices within Madison County and the Twin Bridges area.

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.

The proposed project is located entirely on private property and will not affect access to recreational activities. The proposed POU is to establish a golf course and should not negatively affect the quality of recreational and wilderness activities.

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

Determination: No significant impact.

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.

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 secondary impacts identified.

3. ***Describe any mitigation/stipulation measures:*** A portion of the historical POU will be retired and no longer irrigated because of the proposed change. The Applicant will not exceed the historical diverted volume and flow rate. The water right will continue to irrigate a portion of the historical POU along with the proposed acres. The Applicant will continue to use the water right for wildlife-waterfowl use as well. 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 for the Applicant to not add acres outside of the historical POU for the proposed golf course.

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 an existing irrigation water right. The Applicant proposes to continue to divert at a flow rate of 24.14 CFS up to a proposed diverted volume of 742 AF for irrigation and wildlife-waterfowl uses. No change in purpose, POD, or place of storage is proposed. Agricultural irrigation is consistent with state and local plans.

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

Name: Lyra Reynolds

Title: Hydrologist/Water Resources Specialist

Date: March 20, 2025