

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:

ROCKING J RANCH LLC
79 CARRIAGE HOUSE LN
PHILIPSBURG, MT 59858-9556

2. Type of action: Application to Change Water Right 76E 30158160

3. Water source name: Groundwater

4. Location affected by project: The place of use is located in the E2SE Section 19, T6N, R15W, Granite County, Montana.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to change the point of diversion on verified Permit 76E 112878-00 from a well in the NESESE Sec. 19, T6N, R15W (Riverhouse Well) to a well located in the NENENE Sec. 30, T6N, R15W (PWS-3 Well). The Riverhouse Well will be abandoned upon issuance of this change. Additionally, the Applicant proposes to change the multiple domestic purpose to commercial to better reflect the use of water in supplying guest cabins, and to change the irrigation purpose to lawn and garden. Finally, the Applicant proposes to add the SESESE of Sec. 19 T6N R15W to the place of use for the stock purpose, add the NWSESE of Sec. 19 T6N R15W to the lawn and garden purpose, and change the place of use of for the commercial purpose to the SENESE and SWSESE of Sec. 19, T6N, R15W to accommodate the construction of two new cabins. The two buildings previously serviced by this water right (Eagle's Perch and River House) have been provided for under Ground Water Certificate 76E 30147925 since that water right was filed in 2020 and have not been supplied by water from Permit 76E 112878-00 since that time.

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)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program Species of Concern Report

Part II. Environmental Review

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.*

The Applicant proposes to divert water from Rock Creek, which has not been identified as chronically or periodically dewatered by the DFWP.

Determination: No significant impact

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.*

Rock Creek has been assessed for beneficial uses by DEQ and is identified as fully supporting agriculture, drinking water, primary contact recreation, and aquatic life. The Applicant's proposed pumping is not anticipated to have any impact on the water quality in Rock Creek.

Determination: No significant impact

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.*

As a result of this change application, no new water rights in the source aquifer are predicted to experience drawdown greater than 1 foot. No impacts on water quality are anticipated. Flow depletions to Rock Creek will remain unchanged at 7.1 AF per year. However, depletions will occur ¼ mile upstream of their current location.

Determination: Minor impact on streamflow in Rock Creek

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.*

The proposed new point of diversion is a pre-existing well. No construction or operational impacts are expected to occur aside from the change in location of depletions described in the Groundwater section.

Determination: No significant impact

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."

The Montana Natural Heritage Program website was reviewed to determine if there are any "threatened" or "endangered" fish, wildlife, plants, or aquatic species that could potentially be impacted by this project. "Species of special concern" were also included in this search.

According to the Montana Natural Heritage Program, nine animal species of concern are located in the area of potential impact. Two species are listed as "threatened" by the USFWS in this area: the wolverine (*Gulo gulo*) and the bull trout (*Salvelinus confluentus*).

Animal species of concern include:

Fisher (*Pekania pennanti*)

Townsend's Big-eared Bat (*Corynorhinus townsendii*)

Wolverine (*Gulo gulo*)

Brewer's Sparrow (*Speizella breweri*)

Golden Eagle (*Aquila chrysaetos*)

Great Blue Heron (*Ardea herodias*)

Pileated Woodpecker (*Dryocopus pileatus*)

Bull Trout (*Salvelinus confluentus*)

Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi*)

The proposed change exists within an already-developed dude ranch. It is not anticipated that any of the species of concern will be impacted by the proposed project.

Determination: No significant impact

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

No wetlands were identified within the project area.

Determination: No significant impact

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

The proposed project does not impact any ponds.

Determination: No significant impact

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.*

According to the NRCS Web Soil Survey, the soils within the project area are the Quigley loam (0-4% slopes), the Canarway-McCabe complex (0-2% slopes, occasionally flooded), and the Fergus loam (2-4% slopes). These soils are listed as non-saline to very slightly saline. The stability of the soil profile and moisture content will not be significantly altered. No degradation of soil quality shall occur.

Determination: No 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.*

The proposed construction of two new cabins supplied by the changed water right would cause minor impact to vegetative cover. The site where the wells are located is on the property of an existing commercial lodge in a creek valley that already experiences a large amount of recreational usage. It is not anticipated that the issuance of this change authorization would increase the establishment or spread of noxious weeds. It is the responsibility of the landowner to maintain weed control at the place of use for this water right.

Determination: No significant impact

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Deterioration of air quality and/or adverse effects on vegetation due to increased air pollutants is not expected. The well pumps proposed for use are electric, and therefore will create minimal impact to air quality.

Determination: No significant impact

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: N/A

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

All impacts to land, water, and energy have been identified and no additional impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project does not violate any known locally adopted environmental plans or regulations.

Determination: No significant impact

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.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

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

The proposed project creates no significant negative impact on human health.

Determination: No significant 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 significant 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? None identified
- (b) Local and state tax base and tax revenues? None identified
- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified
- (e) Distribution and density of population and housing? None identified

- (f) Demands for government services? None identified
- (g) Industrial and commercial activity? None identified
- (h) Utilities? None identified
- (i) Transportation? None identified
- (j) Safety? None identified
- (k) Other appropriate social and economic circumstances? None identified

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

Secondary Impacts: None identified

Cumulative Impacts: None identified

3. Describe any mitigation/stipulation measures: None identified

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: None identified

PART III. Conclusion

1. Preferred Alternative

Issue a water use permit if the Applicants prove the criteria in 85-2-311 MCA are met.

2. Comments and Responses

None

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:

Only minor impacts identified, none of which warrant an EIS.

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

Name: Benjamin Thomas
 Title: Water Resource Specialist
 Date: 4/29/2024