

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:

ROBERT & DOROTHY MEINE REVOCABLE TRUST
% JERRY MEINE
590 MEINE LN
DILLON, MT 59725-7365

2. Type of action: Water Right Change Application

3. Water source name: Sheep Creek

4. Location affected by project: W2SENE S14, T10S, R9W, Beaverhead County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met. The Applicant proposes to change the point of diversion, place of use, purpose, and to add storage to Claim 41B 88648-00. Under the proposed change, 35 acres of land in the S2S2 S24, T8S, R9W, Beaverhead County, will no longer be irrigated from Sheep Creek. The Applicant also proposes to change the point of diversion, place of use, purpose, and to add storage to Claim 41B 88661-00. Under the proposed change, 1100 head of livestock will no longer drink from a spring in the SWSENE S14, T10S, R9W, Beaverhead County. The proposed use is to divert water from Sheep Creek with a dam to fill a reservoir for the purpose of Fishery approximately 12 miles upstream from Claim 41B 88648-00 and roughly at the location of claim 41B 88661-00 in the W2SENE S14, T10S, R9W, Beaverhead County. The spring from Claim 41B 88661-00 will be located under the proposed reservoir once it is filled. After this change, the Applicant will appropriate 36.9 AF under Claim 41B 88648-00 and 5.7 AF under Claim 41B 88661-00. The proposed reservoir has been in place since the late 1980's – the purpose of this change application is to bring it into compliance with state water rights regulations. No physical changes are proposed as a result of this application.

6. Agencies consulted during preparation of the Environmental Assessment:

- MT Department of Fish, Wildlife, and Parks
- MT Department of Environmental Quality
- MT Natural Heritage Program
- USDA NRCS Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

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 impact expected. Sheep Creek is not listed as a chronically or periodically dewatered stream. The proposed use will divert less water than historical practices.

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 impact expected. Sheep Creek is not identified as water quality impaired or threatened by the MT DEQ.

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 impact expected. The proposed project does not involve groundwater sources. The proposed project will divert less water from the source of supply than under historical practices.

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 impact expected. The proposed dam and reservoir have been in place since the late 1980's – no physical changes are being proposed at this time.

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 impact expected.

The MT Natural Heritage Program lists 3 Species of Concern in the project area:

- Grizzly Bear
- Wolverine
- Sage Grouse

The Applicant obtained a letter from the MT Sage Grouse Habitat Conservation Program stating that the proposed project is consistent with the Montana Sage Grouse Conservation Strategy. The presence of the reservoir is not anticipated to impact any species of concern. No physical changes are being proposed at this time therefore no additional disturbance to the area is expected.

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 impact expected. The proposed project does not involve changes to existing wetlands.

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

Determination: No impact expected. The proposed project involves an existing on-stream reservoir. A letter from Montana Fish, Wildlife, and Parks Hydropower, Native Species & Beaverhead-Ruby Program Manager Matt Jaeger, dated January 3, 2024, states that the reservoir is a benefit to the wild fishery. No physical changes are being proposed at this time therefore no additional disturbance to the area is expected.

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 impact expected. The proposed reservoir will not significantly impact soil stability or saline seep. The USDA NRCS Web Soil Survey program did not identify soils in the project area with high salinity.

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 impact expected. No physical changes are being proposed at this time therefore no additional disturbance to the area is expected.

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

Determination: No impact expected. No physical changes are being proposed at this time therefore no additional disturbance to the area is expected.

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: NA- project not located on state or federal lands.

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: None noted.

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 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.

Determination: No impact expected. The project is located on private land. MT FWP identified the pond as a benefit to the local fishery.

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

Determination: No impact to human health is expected.

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:

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: NA

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 to deny the change application. As the proposed reservoir is already in place, this alternative would result in the continued non-compliance of the reservoir with state law. No physical changes are proposed as a result of the proposed change application therefore no physical changes will occur at the project site under either the proposed action or the alternative action.

PART III. Conclusion

1. Preferred Alternative None

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: NA

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

Name: Russ Gates

Title: Hydrologist/Water Resource Specialist

Date: April 5, 2024