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: **Montana Fish, Wildlife & Parks**
PO Box 200701
Helena, MT 59620-0701

2. Type of action**: Application to Change an Existing Irrigation Water Right No. 41A 30072573 (Statement of Claim No. 41A 110697).**

3. Water source name: **Waste & Seepage, Unnamed Tributary of Long Creek**

4. Location affected by project: **The reach of stream to benefit from the Instream Flow change is Long Creek beginning in the SE Section 29, T13S, R4W, to its confluence with the Red Rock River in the NWSENE Section 8, T14S, R4W of Beaverhead County.**

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

Applicant proposes to temporarily change Statement of Claim No. 41A 110697-00 to the purpose of Instream Flow for a period of 10 years. The proposed amount to be changed is 2.5 CFS with an associated historic diverted volume up to 330.0 acre-feet (AF) annually. The water right will continue to be used for irrigation purposes in May and June, as it historically has, and instream fishery purposes during the period July 1 through September 15. During the period July 1 through September 15, 113.0 acres will be retired from irrigated production.

NOTE:

The proposed change to Statement of Claim No. 41A 110697 is part of a multi-water right change by the Applicant to benefit the fishery (Arctic Grayling) in Long Creek. The entire project consists of changing four water right claims 41A 110697, 41A 110699, 41A 110700 & 41C 110701. Four individual change applications have been filed in relation to the project, including this application.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species

MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper

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.**

The source of water associated with this change is Waste and Seepage water from an Unnamed Tributary to Long Creek in Beaverhead County, however since information related to unnamed tributaries is not assessed in the MFISH website, the Long Creek source is considered in this analysis. Long Creek does not have any dewatered stream data available on FWP's MFISH website. The website does show that DFWP has a 3.4 CFS instream flow reservation in Long Creek. The nature of this change is to benefit the Artic Grayling fishery by changing the purpose to instream flow during the period of July 1 through September 15 will help maintain stream flows when they can be critically low. This project should benefit any dewatering issues that occur during July through mid-September. The timing of return flows will change, however more water will be left in the source during the most critical flow period associated with late season irrigation.

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 DEQ website shows that Long Creek does have impairments that inhibit the streams ability to support beneficial use for Primary Contact Recreation and Aquatic Life. The impairments are likely caused by habitat alteration (fish-barriers), agricultural practices, and sedimentation/siltation. There is a low likelihood that water quality will be adversely affected as a result of this project, the project will enhance seasonal stream flows for a period of ten years.

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.**

Localized ground water elevations under the acres to be retired will only see a portion of the total seasonal contributions from irrigation that they had under historic practices. The

water right will continue to be used for irrigation purposes in May and June, however during the period July 1 through September 15 the purpose will change to Instream Flow. During the period July 1 through September 15, 113 acres will be retired from irrigated production. This project will leave a portion of historically used irrigation water in the source to help the fishery for a temporary period of 10 years. No significant impacts to ground water levels are anticipated, the source is adjacent to the fields being retired from irrigation.

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 change will leave a portion of historically used water in the source for a period of 10 years and two historic points of diversion will be retired from July 1 through September 15. Any waste and seepage water that accumulates from up-gradient irrigation July through mid-September will now be routed directly back to Long Creek for Instream Flow purposes. No impacts from the means of diversion for the proposed project are anticipated.

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.**

The Montana National Heritage Program lists 10 Species of Concern and two plant Species of Concern within Township 13 South, Range 4 West. The common names for the seven bird species include Ferruginous Hawk, Greater Sage-Grouse, Peregrine Falcon, Long-billed Curlew, Sage Thrasher, Green-tailed Towhee, and the Brewer's Sparrow. The Wolverine is the only mammal listed as a species of concern in Township 13 South, Range 4 West.. In Township 14 South, Range 4 West, the common names for mammals are; the Wolverine, Hoary Bat, Little Brown Myotis, and Grizzly Bear. The common names for birds are; Ferruginous Hawk, Greater Sage-Grouse, Trumpeter Swan, Peregrine Falcon, Cassin's Finch, Long-billed Curlew, McCown's Longspur, Brewer's Sparrow, and the Great Gray Owl. The Montana National Heritage Program also lists two species of fish; the Westslope Cutthroat Trout and Arctic Grayling in Township 13 South Range 4 West, and Township 14 South, Range 4 West. The Montana National Heritage Program lists Nodding Locoweed, and Mealy Primrose as the Plant Species of Concern in Township 13 South, Range 4 West. In Township 14 South, Range 4 West Ballhead Ipomopsis, Mealy Primrose, Alpine Meadowrue, and Sand Wildrye are listed. No impacts to any of these species are expected as the project simply proposes to irrigate the same place of use in May

and June and retire historically irrigated acreage July through mid-September and leave a portion of the historic water use in the source for the later part of the irrigation season.

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.**

The National Wetlands Inventory website shows Freshwater Emergent Type Wetlands and Forested/Shrub wetlands adjacent to the source through much of the Applicant's claimed place of use. This project will enhance stream flows in Long Creek for a period of 10 years, and as such, will leave additional water in the source during the irrigation season. Wetland areas will still see contributions from irrigation in May and June and should not be significantly impacted as a result of this project.

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

Determination: **No Significant Impact.**

This project does not involve a pond. No impact to wildlife, waterfowl, or fisheries is anticipated.

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.**

Because the project will leave a portion of historically used irrigation water in the source for a period of 10 years, there is a low likelihood of adverse impact to soil quality or stability.

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 Applicant will simply continue to use the Statement of Claim No. 41A 110697 for irrigation purposes in May and June, as it historically has, and convert to instream fishery purposes during the period July 1 through September 15. During the period July 1 through September 15, 113 acres will be retired from irrigated production. This project will leave a portion of historically used irrigation water in the source to help the fishery for a period of 10 years. No spread of noxious weeds should be associated with this change application. It is the responsibility of the property owner to control noxious weeds 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.**

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal.

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 - 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: **No Significant Impact.**

No additional impacts are anticipated.

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.**

No locally adopted environmental plans or goals have been identified.

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 action should not negatively impact recreational activities in the area.

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

Determination: **No Significant Impact.**

No impacts to human health have been identified.

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 known impacts.**

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**

(b) *Local and state tax base and tax revenues?* **None**

(c) *Existing land uses?* **No significant impact from discontinuing irrigation.**

(d) *Quantity and distribution of employment?* **None**

(e) *Distribution and density of population and housing?* **None**

(f) *Demands for government services?* **None**

(g) *Industrial and commercial activity?* **None**

(h) *Utilities?* **None**

(i) *Transportation?* **None**

(j) *Safety?* **None**

(k) *Other appropriate social and economic circumstances?* **None**

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

Secondary Impacts – **No secondary impacts have been identified**.

Cumulative Impacts – **No cumulative impacts have been identified**.

3. *Describe any mitigation/stipulation measures:*

As mentioned previously, the Applicant will simply continue to use Statement of Claim No. 41A 110697 for irrigation purposes in May and June and change to Instream Flow purposes during the period July 1 through September 15. The Department may deem specific conditions necessary to meet the statutory criteria for changes set forth at § 85-2-402, MCA. These conditions would be required in the Departments' preliminary determination, if applicable.

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:*

No action alternative: Deny the application. This alternative would result in no change to the existing water rights.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

2 Comments and Responses

None Received.

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:

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: Mike Everett
Title: Water Resources Specialist – LRO Date: 4/29/16