

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: **Blackfoot Valley Ranch Foundation
ATTN: Jay Proops
1430 N Lake Shore Drive
Chicago, IL 60610**

2. Type of action: **Application to Change an Existing Irrigation Water Right No. 30070218 76F, by Blackfoot Valley Ranch Foundation.**

3. Water source name: **Warren Creek**

4. Location affected by project: **The proposed reach of stream for Instream Flow purposes is the lower 2.3 miles of Warren Creek located between one of the six historic diversion points in the NENESE Section 31, T15N, R12W, and the confluence of Warren Creek and the Blackfoot River in the SESENE Section 1, T14N, R13W, in Powell County.**

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

Applicant proposes to change six supplemental/overlapping irrigation water rights to the purpose of Instream Flow for a temporary period of 5 years. The proposed amount to be changed is 5.05 CFS (37% of the total, combined flow rate of all six water rights) up to 404.2 acre-feet. Two of the six points of diversion will be retired and no further appropriations will occur from those two diversion points. 137 acres of the 370 acres claimed to be historically irrigated will be retired from production. Irrigation will continue to occur on 233 acres.

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.**

Warren Creek is listed as a chronically dewatered stream by DFWP. The stream reach listed as chronically dewatered begins at river mile 0 and ends at river mile 6. This dewatered reach transects the Applicant's property. The project is a temporary change to convert a portion of historic irrigation water to instream flow for the fishery and as such, may improve the chronic dewatering issue during the irrigation season.

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 Warren 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 five 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 not see seasonal contributions from historic irrigation. This project will leave a portion of historically used irrigation water in the source to help the fishery for a period of five years. No impacts to ground water levels are anticipated, the source meanders through 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 impact.**

The proposed change will leave a portion of historically used water in the source for a period of five years and two historic points of diversion will be retired. No diversion or

conveyance facilities are necessary to cease irrigation diversions to enhance the fishery. No channel impacts, flow modifications, barriers, riparian areas, dams, or well construction 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 13 Species of Concern and four plant Species of Concern within Township 15 North, Range 12 West. The common names for the five bird species include Great Blue Heron, Evening Grosbeak, Common Loon, Lewis's Woodpecker, Long-billed Curlew and the Great Gray Owl. The common names for mammals are; Wolverine, Canada Lynx, Fisher, Pygmy Shrew, and Grizzly Bear. The Montana Nation Heritage Program also lists two species fish; the Westslope Cutthroat Trout and the Bull Trout. The Montana Nation Heritage Program lists Chaffweed, English Sundew, Howell's Gumweed and Slender Cottongrass as the Plant Species of Concern. No impacts to any of these species are expected as the project simply proposes to retire historically used acreage and to cease diverting at two points of diversion.

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 adjacent to the source through much of the Applicant's claimed place of use. This project will enhance stream flows in Warren Creek for a period of five years, and as such, will leave additional water in the source during the irrigation season. Wetlands 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 five 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 cease using two irrigation diversions and retire portions of historically irrigated lands, 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.*

Determination: **No Significant Impact.**

The project will merely leave a portion of historically used water in the source for a period of five years. The project also proposes to retire two points of diversion. Both propositions will increase total stream discharge during the irrigation season. There is a low likelihood of impact to archeological or historical sites. A cultural resource inventory is unwarranted at this time.

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, six water rights will be partially retired to enhance streamflow for the fishery. 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 for irrigation.

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: Douglas Mann

Title: Water Resources Specialist – LRO

Date: 2/2/16