

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: Dry Cottonwood LLC
PO Box 7593
Missoula, MT 59802-7593
2. Type of action: Applications to Change an Existing Irrigation Water Right Nos. 76G 30069060 and 76G 30069061 (Water Right Claim Nos. 76G 30103774, 76G 30103776, 76G 30103778, and 76G 30103784)
3. Water source name: Clark Fork River, Dry Cottonwood Creek
4. Location affected by project: Clark Fork River and Dry Cottonwood Creek near their confluence and adjacent irrigated lands in the East half of Section 29 and the West half of Section 28, Township 6 North, Range 9 West, Deer Lodge County.

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

Applicant proposes to temporarily change a portion of Clark Fork River water right claims 76G 30103778 and 30103784 to instream flow for fisheries. Under the proposed change, the Applicant will discontinue the use of the Helen-Johnson diversion and ditch that serves 138.2 acres of flood irrigated land in Sections 28 and 29, Township 6 North, Range 9 West, convert 68.7 of these acres to center pivot sprinkler irrigation and 11.77 acres to hand-line irrigation to be pumped from the Alvi-Beck diversion and ditch on the Clark Fork River, and retire 51.21 acres in order to provide instream flow in the Clark Fork River. 6.52 acres of the afore-mentioned 138.2 acres will remain under flood irrigation from Dry Cottonwood Creek. The 68.7 acres of pivot irrigation is proposed for the duration of the entire authorized periods of diversion and use. The 11.77 acres of hand-line irrigation is proposed from July 1 to October 10, and will be flood irrigated with water from Dry Cottonwood Creek from April 1 to June 30. The remaining 195-acre place of use historically served by the Alvi-Beck diversion will remain unchanged. Water no longer diverted for irrigation will be used for instream flow in the Clark Fork River from the discontinued Helen-Johnson diversion (Section 7, Township 5 North, Range 9 West) to Galen Road.

Applicant also proposes to temporarily change a portion of water right claims 76G 30103774 and 30103776, historically diverted for flood irrigation from Dry Cottonwood Creek, to instream flow. Under the proposed change, the Applicant will reduce the acres irrigated by these rights in Sections 28 and 29, Township 6 North, Range 9 West from 138.2 to 18.29 and reduce the period of use for the purpose of irrigation from April 1 – November 4 to April 1 – June 30 for 11.77 of

those acres. The remaining 6.52 acres will continue to be flood irrigated from Dry Cottonwood Creek from April 1 – November 4. The remaining water no longer used for irrigation will be left instream in Dry Cottonwood Creek from the historic diversion to the confluence with the Clark Fork River.

5. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
- Montana Natural Heritage Program (MTNHP)
 - USDA Web Soil Survey
 - Montana Department of Environmental Quality

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 impact.

The purpose of the proposed project is to increase the amount of water in both streams by reducing the amount diverted for 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 impact.

The proposed project will result in more of the natural flow of both sources remaining in stream, therefore no negative impact to water quality is expected.

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.

The source of the water rights proposed for change is surface water, and the proposed project will decrease the amount diverted from the source.

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 project will utilize an existing diversion structure, and discontinue the Applicant's use of another. No additional diversion construction is proposed. The proposed pump for the sprinkler system will be placed in an existing irrigation ditch that will not require any modification in either source stream.

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.

MTNHP identified 5 Species of Concern near the project area: Great Blue Heron (*Ardea Herodias*), Bald Eagle (*Haliaeetus leucocephalus*), Veery (*Catharus fuscescens*), Spotted Bat (*Euderma maculatum*), and Wedge-leaf Saltbush (*Atriplex truncata*).

The proposed project is expected to increase water availability and the only physical disturbance will be the installation of center pivot irrigation systems on land that is already cultivated, therefore no impact to the species listed above 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.

The project does not involve wetlands.

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

Determination: No impact.

The project does not involve 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 impact.

Irrigation practices will remain within the existing irrigation footprint, and the irrigated area will be reduced under the proposed change. The proposed point of diversion utilizes an existing headgate and ditch.

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.

Irrigation and/or disturbance of the existing place of use would be reduced under the proposal.

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.

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 - The project is 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 further impact identified.

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.

The purpose of the proposed project is to increase flows in both source streams, which would provide a fisheries and recreational benefit to the 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 impact.

The proposed project area is located on private lands.

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

Determination: No impact.

The proposed project will potentially increase the water quality in both sources.

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 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? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

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:*** No mitigation or stipulations are necessary.

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 human or environmental impacts exist as a result of the proposed change, and the no action alternative results in less water left in-stream. Furthermore, the proposed change would be beneficial to fisheries in both sources.

PART III. Conclusion

1. ***Preferred Alternative*** No preferred alternatives identified.

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:

An Environmental Assessment is the appropriate level of analysis because no significant adverse impacts were identified for the proposed project.

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

Russ Gates
Hydrologist/Water Resource Specialist
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