

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:* Richard Bolzer
1085 Selms Road
Bridger, MT 59014-9502
2. *Type of action:* Application for Beneficial Water Use Permit
3. *Water source name:* UT Clarks Fork Yellowstone
4. *Location affected by project:* SWSW Sec. 29, S2 Sec. 30, N2 and N2NESE Sec. 31, and W2 Sec. 32, T6S, R23E, Carbon County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Richard Bolzer is requesting a beneficial water use permit to divert 3.7 CFS flow up to 1131.2 acre-feet per year from an unnamed tributary (UT) to the Clarks Fork River to use for irrigation and stock of 420 acres in Sections 29, 30, 31 and 32, T6S, R23E, Carbon County. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)
Montana Bureau of Mines and Geology
United States Fish and Wildlife Service
United States Natural Resource and Conservation Service

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

This unnamed tributary to the Clarks Fork Yellowstone River is not on the DFWP list of chronically or periodically dewatered streams. This source of water is mainly waste water from the Golden Ditch. Historically, waste water from this ditch has been captured by other ditches and ponds and did not immediately return to the Clarks Fork of the Yellowstone. Water will continue to be diverted in the same amount and at the same time as it has always been. There will be a possibility of lesser return flows to the source because of this proposed use.

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

This unnamed tributary to the Clarks Fork Yellowstone is not listed as water quality impaired or threatened by DEQ. The proposed use of water for sprinkler irrigation and livestock watering should not impair water quality on this source.

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

This use for irrigation and livestock watering may increase groundwater recharge on the 420 acres proposed for irrigation. There should be no impact to groundwater quality due to this proposed use.

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 diversion would be a 125 HP electric or diesel pump which will divert 3.7 CFS into a 12-inch pipe to 2 center pivot sprinklers and 2 side roll sprinklers to irrigate 420 acres of alfalfa hay. Water will also be piped to 4 stock watering tanks. There should be not impact to the channel, flow modification, barriers, riparian areas dams or well construction.

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

The Natural Heritage Program identified the following species of concern, potential species of concern or special status species within the project area: Golden Eagle, Great Blue Heron, Greater Sage-Grouse, Loggerhead Shrike, Western Milksnake, Greater Short-horned Lizard, Bald Eagle, Swamp Milkweed, Dwarf mentzelia, Scribner’s Ragwort and Dwarf Bulrush. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. The Applicant has consulted with the Sage Grouse Habitat Conservation Program. The place of use is already actively farmed, the use of this UT for sprinkler irrigation and stock water should not affect any species of concern or create a barrier to the migration or movement of fish or wildlife.

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 area is not within a wetland, so there should be no significant impacts to wetlands from this proposed use.

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

Determination: No impact

There are no ponds associated with this water right application.

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

The soils in the proposed place of use are mainly Toluca clay loam and Travessilla silt loam which are well drained, and non-saline to very slightly saline. The sprinkler irrigation of 420 acres and watering of 150 animal units should not degrade soil quality, alter stability or moisture content. There should be very little, if any, saline seep from this use of water.

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

The land owner is expected to prevent the establishment or spread of 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 Impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

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: No Impact

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

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

This proposed use is not inconsistent with locally adopted environmental plans and goals for Carbon County.

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 project is located on private land; this project should have no new impact on recreational or wilderness activities.

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

Determination: No significant Impact

The project would have no impact on public health.

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

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

Secondary Impacts None identified.

Cumulative Impacts There are no other pending applications on this source of water. There should be no significant cumulative impacts.

3. Describe any mitigation/stipulation measures: There are no mitigation or stipulation measures required.

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 reasonable alternatives are to grant the application, to advise the Applicant to propose a different application or the no action alternative. Granting the application would allow the Applicant to water 420 acres of ag land and water up to 150 animal units. It may be possible for the Applicant to develop an alternate source of water, such as a spring or well, or abandon the proposal. The no action alternative would prevent the Applicant from using UT Clarks Fork Yellowstone River for his farm.

PART III. Conclusion

1. ***Preferred Alternative*** To authorize the beneficial water use permit.

2. ***Comments and Responses***

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: No significant environmental impacts were identified. No EIS required.

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

Name: Christine Schweigert

Title: Water Resources Specialist

Date: December 4, 2018