

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: Blue Box Ranch  
14366 Belmont Trace  
West Palm Beach, FL 33414-7603

2. Type of action: Application to Change a Water Right 41I 30110489  
(Statement of Claim No. 41I 17090-00)

3. Water source name: Duck Creek

4. Location affected by project: Sec 12, T8N, R2E, Broadwater County

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

The Applicant proposes to add an additional point of diversion (POD) to Statement of Claim No. 41I 17090-00. The added point of diversion is approximately 1.0 mile downstream and east of the existing POD. The proposed POD is located in the NENW of Sec. 12, T8N, R2E, Broadwater County. The new diversion will utilize a pump system, to irrigate approximately 31 acres of pivot irrigation and 9 acres of handline irrigation of a 71.1-acre irrigation right. The place of use (POU) will not change, this application seeks only to add a POD.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Department of Environmental Quality (MDEQ)  
Montana Natural Heritage Program  
Montana Department of Fish Wildlife & Parks

Endangered-Threatened Species  
Dewatered Stream Information

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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

There is a 3.5-mile reach of Duck Creek downstream from the proposed project on DFWP's list of chronically dewatered streams. There will be, however, no increase in diverted flow or volume following this proposed change.

**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

Duck Creek is not listed as a water quality impaired or threatened source by DEQ. There should be no change in water quality due to this change.

**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

The change involves surface waters of Duck Creek in the Upper Missouri River Basin.

**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 will be downstream, and approximately 1 mile from the historical point of diversion, located in the NWNWSW of S6, T8N, R3E, Broadwater County. The added diversion type will be a pump system located in the NWNENW of S12, T8N, R2E. The pump system will be sized to ensure that the flow rate will not exceed the historical use of 1.13 cfs.

#### **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 Natural Heritage Program identified the following species of concern within the project area: Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*), Hoary Bat (*Lasiurus cinereus*), Great Blue Heron (*Ardea Herodias*), Golden Eagle (*Aquila chrysaetos*), Veery (*Catharus fuscescens*), Ferruginous Hawk (*Buteo regalis*), Long-billed Curlew (*Numenius americanus*), Bald Eagle (*Haliaeetus leucocephalus*), Caspian Tern (*Haliaeetus leucocephalus*), Franklin's Gull (*Leucophaeus pipixcan*), Black Turn (*Chlidonias niger*), Burbot (*Lota Lota*), American White Pelican (*Pelecanus erythrorhynchos*), Clark's Grebe (*Aechmophorus clarkii*), Common Loon (*Gavia immer*), Yellowstone Cutthroat Trout (*Oncorhynchus clarkia bouvieri*).

For other *potential* species of concern, please see the complete species summary following this report.

The proposed change is intended to add a point of diversion for sprinkler irrigation in addition to the existing point of diversion used for flood irrigation. These systems will not be used simultaneously but in rotation during the period of use. The added point of diversion should not adversely impact any of the species of concern within this project area.

**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*

Montana Natural Heritage Program identifies the point of diversion as falling within Freshwater Scrub-Shrub Wetland. Water will be pumped from the point of diversion to irrigate pasture within the existing place of use. The added point of diversion should not adversely impact any wetlands identified in this project area.

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

*Determination: No Significant Impact*

The project does not involve any 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 Significant Impact*

The use of water from Duck Creek for irrigation will not cause degradation of soil quality or stability. The soils at Duck Creek are not susceptible to saline seep.

**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

Existing vegetative cover may be disturbed during installation of the pipeline. The project is located on private property, and the applicants will be responsible for controlling noxious weeds. Disturbances to vegetative cover will be equal to or less than what occurred under historical practices.

**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

Adverse air quality impacts from increased air pollutants are not expected as a result of this 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:* N/A

The project is not located on State or Federal lands. This section is not applicable.

**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

None identified.

<b>HUMAN ENVIRONMENT</b>
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**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

There are no locally adopted environmental plans or goals.

**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 project will not impact access to or the quality of recreational and wilderness activities.

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

*Determination:* No Significant Impact

The proposed project will not impact human health.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No **XX**\_\_\_ 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 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:** None identified

**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 alternative identified.

*PART III. Conclusion*

**1. Preferred Alternative** N/A

**2. Comments and Responses** N/A

**3. Finding:**

Yes\_\_\_ No **XX**\_\_\_ 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:*

This project has little, to no negative environmental impact, therefore there is no substantial change in management related to this water right.

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

*Name:* Kristeen Wofford

*Title:* Water Resource Specialist

*Date:* 6/19/2018