

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
<b>ENVIRONMENTAL ASSESSMENT</b> <b>For Routine Actions with Limited Environmental Impact</b>

**Part I. Proposed Action Description**

*Applicant/Contact name and address:* King Ranch Hutterian Brethern Inc  
PO Box 858  
Lewistown, MT 59857

1. *Type of action:* Application for Beneficial Water Use Permit No. 41S 30117268
2. *Water source name:* Little Rock Creek
3. *Location affected by action:* SENESW, Section 30, T15N, R17E, Fergus County  
NESWSE, Section 13, T15N, R16E, Fergus County

*Narrative summary of the proposed project, purpose, action to be taken, and benefits:* This project is to pump water out of two irrigation reservoirs to irrigate 115 acres. This application is to use 768 gpm and up to 150 acre-feet of water annually from April 15<sup>th</sup> to October 15<sup>st</sup>. The points of diversion is located in the SENESW, Section 30, T15N, R17E and NESWSE, Section 13, Twp 15N, Rge 16E Fergus County And places of use are as follows:

- SWSWNE Sec 13 Twp 15N Rge 16E, Fergus County
- SESENW Sec 13 Twp 15N Rge 16E, Fergus County
- SE Sec 13 Twp 15N Rge 16E, Fergus County
- NENESW Sec 13 Twp 15N Rge 16E, Fergus County
- NE Sec 30 Twp 15N Rge 17E, Fergus County
- SE Sec 30 Twp 15N Rge 17E, Fergus County

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

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

Montana Department of Environmental Quality  
Montana Natural Heritage Program (website)  
Montana Department of Environmental Quality Website (TMDL 303d Listing)  
USDA Web Soil Survey  
National Wetlands Inventory

## **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:* Little Rock Creek is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. However, Little Rock Creek is a tributary of the Judith River which is chronically dewatered. If this application is granted, there may be a significant impact to the Judith River.

**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:* Little Rock Creek is not listed on the 2016 Montana 303(d) list. Little Rock Creek is a tributary of Judith River that enters between Ross Fork and Big Springs. That stretch of the Judith River is listed on the 2016 Montana 303(d) list.

**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:* This surface water appropriation should have no significant impact on groundwater in the area.

**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.

The diversion means consists of two onstream irrigation reservoirs. The upper diversion will have a surface area of approximately 2.3 acres, a maximum depth of 8 feet, and a storage capacity of 7.3 acre-feet. The lower diversion will have a surface area of approximately 0.3 acres, a maximum depth of 8 feet, and a storage capacity of 1 acre-foot. The flow rate diverted is calculated as the entire flow rate because the diversions are onstream reservoirs. Both reservoirs will have slide gates with 12-inch diameter outlets pipes installed in the lower part of each diversion structure capable of releasing stored water or diverting flows to the downstream toe of the dam. Both reservoir will have pumps as secondary diversions. The two reservoirs could be barriers in and may impact the channel or natural stream flows.

*Determination:* If this application is granted, the diversion works may have a significant impact to the channel, flow modifications by the construction of two dams capable of diverting the entire flow the 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."

A report received from the Montana Natural Heritage Program indicates there are three species of special concern within the general area of the project. The State ranks the Hoary Bat, Great Blue Heron, and Northern Redbelly Dace as a S3 (limited/declining).

According to the Montana Field Guide, the Northern Redbelly Dace are found in clear, cool, slow-flowing creeks, ponds and lakes with aquatic vegetation, including filamentous algae, and sandy or gravelly bottoms interspersed with silt (Brown 1971). In Montana, this species is an indicator species of the Northern Glaciated Prairie Stream Ecological System and may occur in the intermittent prairie stream systems.

According to the Montana Field Guide, the Hoary Bats occupy forested areas. A female with two naked pups was found in mid-July using a wooden bridge in Stillwater County as a temporary day roost (Hendricks et al. 2005) but no other Montana roosts have been reported. Often captured foraging over water sources embedded within forested terrain, both conifer and hardwood, as well as along riparian corridors. Reported in Montana over a broad elevation range (579 to 2774 m; 1900 to 9100 ft) during August, the highest record from treeline along the Gravelly Range road (Madison County), the lowest from the Yellowstone River near Sidney (Richland County); probably most common throughout summer in Montana at lower elevations.

According to the Montana Field Guide, the Great Blue Herons are equally at home in urban wetlands and wilderness settings. Most Montana nesting colonies are in cottonwoods along major rivers and lakes; a smaller number occur in riparian ponderosa pines and on islands in prairie wetlands. Nesting trees are the largest available. Active colonies are farther from rivers than inactive colonies. The number of nests in the colony corresponds to the distance from roads (Parker 1980). Great Blue Herons build bulky stick nests high in the trees when nesting near the shores of rivers and lakes and on the ground or in low shrubs when nesting on treeless islands.

No plant species were identified as species of special concern within the identified project area.

*Determination:* No significant impact

***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 known wetlands exist in the project area.

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

Commented [NT1]: Yeah, find wording for this. Adding two new ponds

If granted, this appropriation will construct two onstream reservoirs.

*Determination:* No significant impact.

**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.*

No permanent degradation to soil quality, stability or moisture content is anticipated. Both points of diversion are in Typic Haplaquolls soil. The places of use for the pivot(s) is primarily on Doughty-Sipple and Doughty-Judith Loams. These soils are all classified as nonsaline to slightly saline (0.0 to 4.0 mmhos/cm). The places of use for the big gun irrigation is primarily on Straw Loam. This soils is classified as nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm). Straw Loam is also identified as prime farmland.

*Determination:* No significant impact

**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 vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

*Determination:* No significant impact

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

The primary diversions are proposed as earth dams and there will be no deterioration of air quality as a result of this appropriation.

*Determination:* No significant 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:** 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 additional impacts on other environmental resources were 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:* There are no known local environmental plans or goals in this 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:* This project will have no significant impact on recreational or wilderness activities.

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

*Determination:* This project will have no significant impact on human 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:* There are no additional government regulatory impacts on private property rights associated with this application.

**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: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

**3. Describe any mitigation/stipulation measures:** None

**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:** Under no action alternative, the applicant would not have the benefit of water from this source.

**PART III. Conclusion**

**1. Preferred Alternative:** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

**2. Comments and Responses**

**3. Finding:**

*Based on the significance criteria evaluated in this EA, is an EIS required? No*  
*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* No significant impacts have been identified given that the Department is not moving to grant this application, therefore an EIS is not necessary.

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

*Name:* Todd Netto

*Title:* Water Resource Specialist

*Date:* November 8, 2018