

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: Ty Steinbach, et al.  
6320 LC Rd  
Wolf Creek, MT 59648-8654
2. Type of action: Application to Change a Water Right 41U 30112854  
(Statement of Claim Nos. 41U 28040-00 & 41U 28041-00)
3. Water source name: Little Skunk Creek
4. Location affected by project: S26 & S27, T17N, R6W, Lewis and Clark County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to add a place of storage to supplemental Statement of Claim Nos. 41U 28040-00 and 41U 28041-00. The proposed 1.6 AF capacity reservoir will be located on site on an unnamed tributary of Big Skunk Creek in the NWSWNW of Sec. 26, T17N, R6W, Lewis and Clark County. The historical point of diversion location will not change, however the historical headgate and ditch system will be removed and replaced with a 12" circular inlet headgate, and pipeline system. The historical 6,184 ft. ditch will be replaced with a 7,782-ft. pipeline system from the historical point of diversion, located in the NWNENW of Section 27, T17N, R6W, Lewis and Clark County, to the proposed place of storage. The new place of storage will then utilize a pump system to irrigate 170 acres. Approximately 150 acres will be served by a center pivot system and 20 acres will continue to be flood irrigated by a grated pipe. The place of use will not change.

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 (DFWP)

TMDL Information  
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 Impact

Little Skunk Creek and Big Skunk Creek are not on the DFWP list of periodically dewatered streams. There will be no increase in use from 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

The location of the point of diversion on Little Skunk Creek located in the NWNENW of Section 27, T17N, R6W, Lewis and Clark County, will not change. Water will be piped to the place of storage on an Unnamed Tributary of Big Skunk Creek. Little Skunk Creek and Big Skunk Creek are not listed in DEQ's water quality assessment of impaired waters. Both Little Skunk Creek and Big Skunk Creek flow into the Middle Fork of the Dearborn River which is listed as Category 4A in DEQ's water quality assessment from the headwaters of the Middle Fork of the Dearborn River to the confluence of the Dearborn River and to the confluence of the Missouri River. The probable cause of impairment is temperature. This stretch has been designated as needing a TMDL plan. The proposed project should have no impact on water quality as it entails the change of an existing water right and little to none of the appropriated water will return to the Dearborn River. No new water uses, or diversions are proposed.

**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 only involves adding a storage component involving surface water. No impacts to groundwater will occur.

**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 location of the historical point of diversion will not change, however the historical headgate and ditch system will be removed and replaced with a 12" circular inlet headgate and pipeline system. The historical 6,184 ft. ditch will be replaced with a 7,782-ft. pipeline system from the historical point of diversion, located in the NWNENW of Section 27, T17N, R6W, Lewis and Clark County, to the proposed place of storage. The new place of storage will then utilize a pump system to irrigate 170 acres, approximately 150 acres by sprinkler irrigation, utilizing a center pivot system, and 20 acres will continue to be flood irrigated by a grated pipe. The place of use will not change.

#### **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: Grizzly Bear (*Ursus arctos*), Clark's Nutcracker (*Nucifraga Columbiana*), Veery (*Catharus fuscescens*), Great Blue Heron (*Ardea Herodias*), and Sharp-tailed Grouse (*Tympanuchus phasianellus*).

For other *potential* species of concern, please see the complete species summary in the application file.

The proposed change is to add a 1.6 AF capacity reservoir located on an unnamed tributary of Big Skunk Creek in the NWSWNW of Sec. 26, T17N, R6W, Lewis and Clark County. The reservoir has been in existence since 2005 and should not adversely impact any of the species of concern within this project area. The reservoir is intended to store water from Little Skunk Creek that has already been appropriated. A Y-pipe was installed at the reservoir to prevent any potential entrapments of water from the non-perennial Unnamed Tributary of Big Skunk Creek and will remain open for much of the year. There are no other users on Little Skunk Creek or the Unnamed Tributary of Big Skunk Creek to the confluence of Big Skunk Creek. There will not be an increase in appropriation compared to what was historically used.

***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 falling in a riparian woody vegetation area with possible scrub-shrub to emergent wetlands. The point of diversion location will not change from the historical point of diversion, however, the historical headgate and ditch

system will be removed and replaced with a 12” circular inlet headgate and pipeline system. No wetlands are identified along the ditch or proposed pipeline areas. The place of use includes unnamed tributaries of Big Skunk Creek that the MNHP identifies as emergent wetlands. Although the place of use location will not change, the method of irrigation has been modified from the historical flood practices to mostly sprinkler irrigation.

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

*Determination: No Significant Impact*

The project proposal seeks to bring the water right of interest into compliance with state law by adding a reservoir/storage element to the record. The existing on-stream reservoir that will not be changed or impacted by the proposed change.

**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 Little Skunk Creek for irrigation will not cause degradation of soil quality or stability. The soils at Little Skunk 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.

**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. 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.

## 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

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. The project is on private property.

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

*Determination:* No Significant Impact

The proposed project will not impact human health by adding a place of storage to an existing water right on private property.

**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. The impacts will be limited to the installation of a 7,782 ft. pipeline from the point of diversion to an existing irrigation reservoir.

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

*Name:* Kristeen Wofford

*Title:* Water Resource Specialist

*Date:* 11/7/2018