

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: **Montana Fish, Wildlife & Parks
PO Box 200701
Helena, MT 59620-0701**
2. Type of action: **Application to Change an Existing Irrigation Water Right No. 41Q 30118871 (Statement of Claim Nos. 41Q 200506-00 and 41Q 30066055).**
3. Water source name: **Little Belt Creek**
4. Location affected by project: **The reach of stream to benefit from the Instream Flow change is Little Belt Creek beginning in the NWNENE Section 25 to a downstream point in the NWSESE Section 23, T19N, R7E, Cascade Co. The stream reach is approximately 1.2 miles long.**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicant proposes to temporarily change some, or all of the water use associated with Statement of Claim Nos. 41Q 200506-00 and 41Q 30066055 to the additional purpose of Instream Flow for a period of 10 years. Although the amount to be changed will vary depending on the flow present in Little Belt Creek, the maximum protected flow rate for the Instream Flow purpose will be 0.63 cubic feet per second (CFS).

Although the applicant does not own the water rights, there is an agreement in place with the owners of the water rights. Per the agreement, the owners of the water rights will voluntarily reduce their appropriation of water for irrigation purposes to a combined flow rate no greater than 1.0 CFS to accommodate the additional Instream Flow purpose. Irrigation appropriations of up to 1.0 CFS may occur on the historical place of use using existing points of diversion provided streamflows in Little Belt Creek are 2.1 CFS or greater. If streamflows drop below 2.1 CFS, irrigation appropriations will be reduced accordingly. Irrigation appropriations will cease if the streamflows drop to 1.1 CFS or less. Applicant may exercise its Instream Flow purpose, at a rate of 0.63 CFS, any time the streamflow drops below 2.1 CFS.

NOTE:

The proposed change to Statement of Claim Nos. 41Q 200506-00 and 41Q 30066055 is to protect the fishery in Little Belt Creek from low-flows and dewatering.

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

Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
USDI Fish & Wildlife Service – Wetlands Online Mapper
USDA Natural Resources Conservation Service – Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

<p>PHYSICAL ENVIRONMENT</p>

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.**

The source of water associated with this change is Little Belt Creek in Cascade County. Per the Department of Environmental Quality (DEQ) Clean Water Act Information Center interactive map, Little Belt Creek is not identified as being dewatered.

The nature of this change is to protect the fishery in Little Belt Creek from low-flows and dewatering. This project should benefit any potential dewatering issues that could occur during low-flows since irrigation appropriations within the proposed change application area will be reduced or stopped as low-flow triggers are met leaving water instream during those times.

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 DEQ website shows that Little Belt Creek does have impairments that inhibit the streams ability to support beneficial use for Primary Contact Recreation and Aquatic Life three miles upstream to of its confluence with Belt Creek (or approximately six miles below the end of protected instream flow reach). The impairments are likely caused by habitat alteration, agricultural practices, and sedimentation/siltation. There is a low likelihood

that water quality will be adversely affected as a result of this project, the project will enhance seasonal stream flows for a temporary period of ten years.

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.**

Localized ground water elevations under the historically irrigated fields may only see a portion of the total seasonal contributions from irrigation that they had under historical practices. The water rights will continue to be used for irrigation purposes when proposed streamflow trigger values allow. The water right owners have agreed to only appropriate a combined flow rate of 1.0 CFS for irrigation purposes when streamflows in Little Belt Creek are 2.1 CFS or greater. Irrigation appropriations will be stopped if streamflows drop to 1.1 CFS or less. This project will leave a portion or all of historically used irrigation water in the source to help the fishery and protect against low-flows in the stream from mid-April to mid-October for a temporary period of 10 years. No significant impacts to ground water levels are anticipated; the source passes through the historically irrigated fields.

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 change will leave a portion or all of historically used water in the source for a period of 10 years. The proposed change does not involve any alterations to the existing, historical irrigation diversions. The water rights' diversions have been in place for many years so no impacts involving their continued use is anticipated. The proposed change should allow more water to remain in-stream to improve seasonal streamflows.

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 National Heritage Program lists three Species of Concern within Township 19 North, Range 7 East. The common names for the two bird species are Golden Eagle and Bobolink. The common name for the fish species is the Northern Redbelly Dace. No plants species are identified on the website within Township 19 North, Range 7 East.

The United States Department of Interior Fish and Wildlife Service lists the following species as threatened in Cascade Co: Canada Lynx, Red Knot, Piping Plover, and Grizzly Bear. It lists the Pallid Sturgeon as endangered. The Wolverine is listed as proposed and Whitebark Pine is listed as candidate. Although these species are identified in Cascade Co because one would reasonably expect them to occur there, not all of the identified species are necessarily found in the area of the proposed change.

No impacts to any of these species are expected as this change application proposes to irrigate the same place of use seasonally while potentially leaving a portion of the historic water use in the source. The amount of water left instream will vary from mid-April to mid-October as it is dependent on the streamflow of Little Belt Creek. If streamflows are 1.1 CFS or less, the entire historic water use will be left instream.

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.**

The National Wetlands Inventory website shows Freshwater Emergent Type Wetlands above and below the area involved in this proposed change. It is anticipated that the proposed change will enhance stream flows in Little Belt Creek for a period of 10 years, and as such, will leave additional water in the source during the irrigation season. Wetland areas could still see contributions from irrigation in mid-April to mid-October and should not be significantly impacted as a result of this proposed change.

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

Determination: **No Significant Impact.**

There are no changes proposed to the two off-stream reservoirs listed on the water rights. No impact to wildlife, waterfowl, or fisheries is anticipated.

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.**

Because the proposed change leaves more historically used irrigation water in the source seasonally for a period of 10 years, there is a low likelihood of adverse impact to soil quality or stability.

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.**

No changes are being made to the historical irrigation system; however in some years the historical water use is proposed to be used differently than in the past. Per an agreement between the Applicant and water right owners, the proposed change intends to allow for irrigation of the historical fields but an Instream Flow purpose is being added to the water rights. Up to 1 CFS (combined) will be diverted for irrigation appropriations but when streamflow levels fall to 1.1 CFS or below, all of the historical water use will be left in the stream and no water will be diverted for irrigation use. This project may leave some or all of historically used irrigation water in the source seasonally to help the fishery for a period of 10 years. No spread of noxious weeds should be associated with this change application. It is the responsibility of the property owner to control 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 Significant Impact.**

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal.

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 - 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 Significant Impact.**

No additional impacts are anticipated.

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.**

No locally adopted environmental plans or goals have been identified.

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 action should not negatively impact recreational activities in the area.

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

Determination: **No Significant Impact.**

No impacts to human health have been identified.

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 known impacts.**

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? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **May be impacted some years when streamflows are low.**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

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:*

As mentioned previously, per an agreement between the Applicant and water right owners, the proposed change intends to allow for irrigation of the historical fields to continue but an Instream Flow purpose is being temporarily added to the water rights. Up to 1 CFS (combined) will be diverted for irrigation appropriations but when streamflow levels fall to 1.1 CFS or below, all of the historical water use will be left in the stream and no water will be diverted for irrigation use. This project will leave a portion or all of historically used irrigation water in the source during the period of April 15 through October 15 to help the fishery for a period of 10 years. The Department may deem specific conditions necessary to meet the statutory criteria for changes set forth at § 85-2-402, MCA. These conditions would be required in the Departments' preliminary determination, if applicable.

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 action alternative: Deny the application. This alternative would result in no changes in operation of the existing water rights.

PART III. Conclusion

1. *Preferred Alternative*

The preferred alternative is the proposed alternative.

2. *Comments and Responses*

None Received.

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:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Melissa Norris

Title: Water Resources Specialist – Lewistown Regional Office

Date: 01/14/2019