

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:* Dirk and Sandra Luhman
PO Box 127
Rosebud, MT 59347
2. *Type of action:* Application for Beneficial Water Use Permit
3. *Water source name:* Yellowstone River
4. *Location affected by project:* Tract 1A of Certificate of Survey 97220 and Tract A Amended in Certificate of Survey 0112587 in the SENW of Section 14, T6N, R42E, Rosebud County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Dirk and Sandra Luhman are requesting a beneficial water use permit to divert 50 GPM up to 1.25 AF per year from the Yellowstone River from March 15 to November 15 for lawn and garden irrigation on 0.5 acres in Tract A Amended in Certificate of Survey 0112587 in the SENW of Section 14, T6N, R42E, Rosebud 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)
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

The Yellowstone River below the confluence with the Bighorn River is not listed as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, and Parks. The Department analysis of physical and legal availability shows that there is water in the Yellowstone River in excess of this request and all legal demands within the area of potential impact throughout the proposed period of diversion and use. The use of 50 GPM up to 1.25 AF/YR will not dewater this source.

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 Yellowstone River from the Cartersville Diversion Dam to the Powder River is listed as water quality category 5 by the Montana Department of Environmental Quality. This category includes waters where one or more applicable beneficial uses are impaired or threatened and a TMDL is required to address the factors causing the impairment or threat. This source is listed as not fully supporting aquatic life. There is insufficient information on drinking water, primary contact recreation, and agricultural uses. None of these beneficial uses is threatened. The proposed use of water for lawn and garden irrigation would 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 lawn and garden irrigation may increase groundwater recharge on the 0.5 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.

7. The proposed diversion will use an 8 HP gas pump to divert water from the Yellowstone River from a point in Tract 1A of Certificate of Survey 97220 in the SENW of Section 14, T6N, R42E, Rosebud County from March 15 to November 15. An underground PVC pipe will convey water to the place of use for lawn and garden irrigation on 0.5 acres in Tract A Amended in Certificate of Survey 0112587 in the SENW of Section 14, T6N,

R42E, Rosebud County. No channel impacts, flow modifications, barriers, or impact to riparian areas will result from the diversion works. The diversion works, and lawn and garden irrigation system have been in place and operational for several years.

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 Montana Natural Heritage Program identified 18 animal species of concern and one special status species in T6N R42E. The animal species of concern include Black-tailed Prairie Dog, Hoary Bat, Little Brown Myotis, Sprague’s Pipit, Great Blue Heron, Greater Sage Grouse, Red-headed Woodpecker, Brewer’s Sparrow, Spiny Softshell, Snapping Turtle, Western Milksnake, Greater Short-horned Lizard, Great Plains Toad, Blue Sucker, Sturgeon Chub, Paddlefish, Sauger, and Pallid Sturgeon. The Bald Eagle is a special status species in the area. No plant species of concern were identified by the Natural Heritage Program. According to the Montana Sage Grouse Habitat Conservation Map, this project is within general sage grouse habit. The project is consistent with the Montana Sage Grouse Conservation Strategy according to a letter from Carolyn Sime, Project Manager, dated March 27, 2020. The use of Yellowstone River water for lawn and garden irrigation on 0.5 acres 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 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 significant impact

According to the USDA NRCS Web Soil Survey, the soil type at the proposed place of use is predominantly Lonna silt loam which is characterized as well drained and slightly to moderately saline. The other soil type within the project area is Spinekop silty clay loam which is characterized as well drained and non-saline to slightly saline. The sprinkle irrigation of 0.5 acres of lawn and garden should not degrade soil quality, alter stability or moisture content. There should be little 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

There are no known locally adopted environmental plans or goals. The landowner would be responsible for compliance with local zoning ordinances.

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 0.5 acres of lawn and garden on the property. It may be possible for the Applicant to develop an alternate source of water or abandon the proposal. The no-action alternative has no significant environmental advantage over the proposed project and prevents the Applicant from the benefit of lawn and garden irrigation.

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 are recognized in association with bringing an existing lawn and garden irrigation system on 0.5 AC of residential property into compliance with the Montana Water Use Act. Therefore, an environmental assessment is the appropriate level of analysis.

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

Name: Jill Lippard

Title: Water Resources Specialist

Date: April 30, 2020