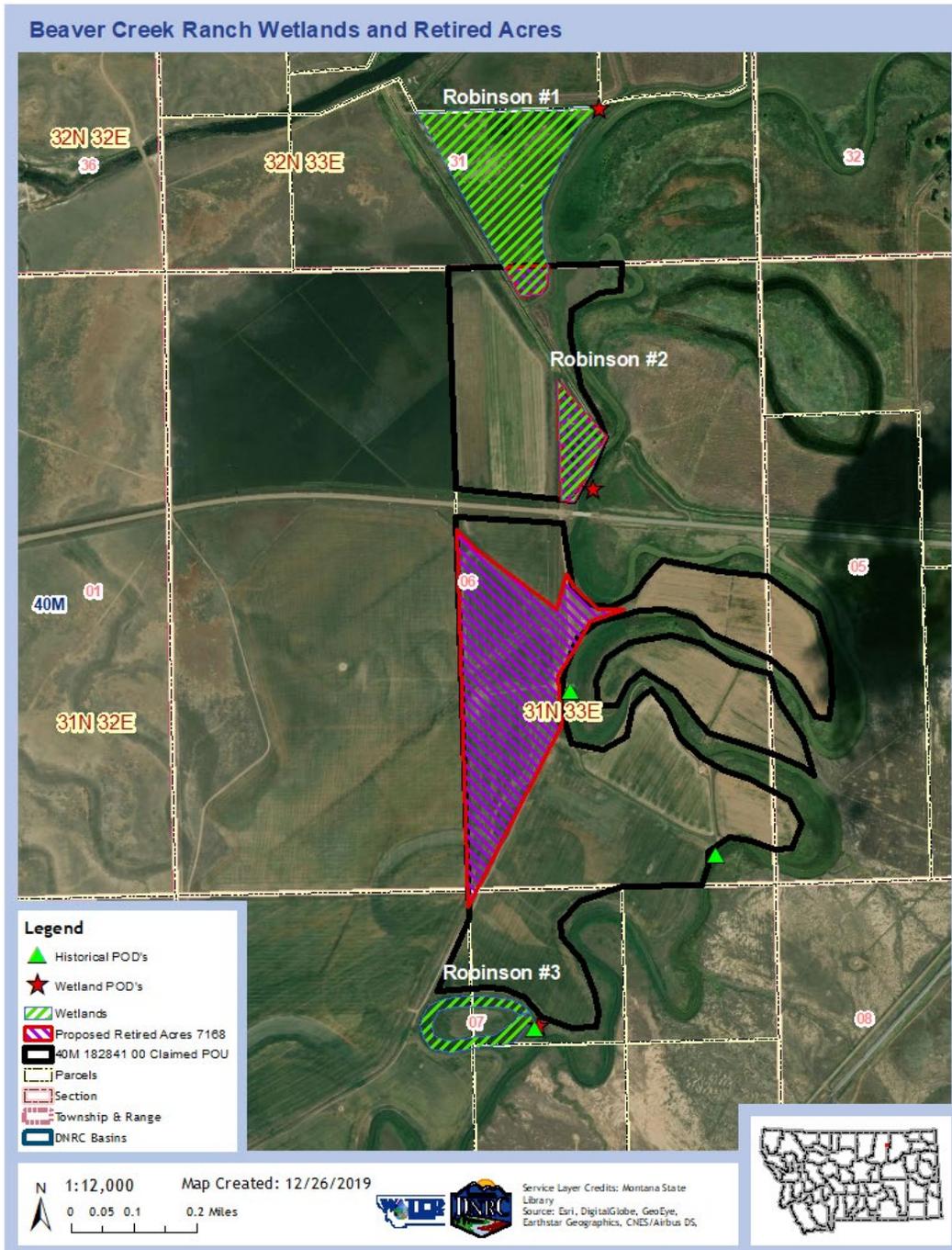


Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact



Part I. Proposed Action Description

Applicant/Contact name and address: Beaver Creek Ranch LLC
2270 White Peaks Dr
Bend, OR 97702-9287

- 1. *Type of action:* Application to Change Water Right No. 40M-30117168
- 2. *Water source name:* Beaver Creek
- 3. *Location affected by project:* Section 6, T31N, R33E, & Sec 31, T32N, R33E, Philips County
- 4. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

The Applicant is proposing to change the purpose, place of use, point of diversion(s), and add storage. The change in Purpose would add Wetland as a beneficial use. The proposed change in point of diversion would add two points of diversion. The change to the place of use would retire 44.8 acres irrigation while continuing to irrigate 183.8 acres and adding 37.7 acres of wetlands. All of the proposed infrastructure was constructed in 2010. This change application is not proposing any construction. The new purpose is proposed to be the addition of three existing wetlands constructed under Change Authorization 40M 30044987. The new proposed points of diversion are existing pumpsite in the SESWNE of Sec 6, T31N, R33E & NWSESE Sec 31, T32N, R33E Philips County. The new proposed place of use and storage are the existing wetlands is in the N2NWNE Sec 6, T31N, R33E, SWSE Sec 31, T32N, R33E, E2W2NE Sec 6, T31N, R33E, SWNWNE Sec 7, T31N, R33E, SENENW Sec 7, T31N, R33E all in Phillip County.

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

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

Montana Department of Environmental Quality – Web site
Montana Department of Fish, Wildlife & Parks – Web site
National Wetlands Inventory – Web site
Montana Natural Heritage Program – Web site
USDA Web Soil Survey – Web site

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.*

This reach of the Beaver Creek has not been identified by the Department of Fish, Wildlife, & Parks (FWP) as chronically or periodically dewatered.

Determination: No significant impact

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.*

The reach of the Beaver Creek where the proposed change authorization is located has been identified by the Department of Environmental Quality (DEQ) as fully supporting agricultural and not fully supporting aquatic life. It was not assessed for primary contact recreation or drinking water. The probable cause of impairment on aquatic life is agriculture which impacts the alteration in stream-side or littoral vegetative covers, nitrogen, phosphorus, and physical substrate habitat alteration. The proposed project will not have any significant effect on water quality.

Determination: No significant impact

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.*

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

Determination: No significant impact

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 Applicant is proposing to use the historical pumps and existing infrastructure. The wetlands and the two additional pumpsite were constructed in 2010 under Change Authorization 40M 30044987. The pumps divert water directly into the wetlands. The Applicant is not proposing any irrigation infrastructure improvements. Water is described by the Applicant as being conveyed to the fields through a series of existing ditches or directly on the fields and spread using graded boarder dikes. The Applicant is proposing to use the existing historical 16-inch Crisafulli pump (model CP16R) capable of diverting 17.8 CFS (8000 GPM) and the 12-inch pump (model CP12BB) callable of diverting 15.6 CFS (7000 GPM). The pumps are both power take off pumps currently used in conjunction with a John Deer 4040 tractor.

Determination: No significant impact

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."*

According to the Montana Natural Heritage Program website, The Bureau of Land Management, (BLM), lists the Sprague's Pipit, Greater Sage-Grouse, Baird's Sparrow, Long-billed Curlew, Brewer's Sparrow and Iowa Darter as Sensitive. No animals are identified as endangered. There were no plant species of special concern identified.

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.*

This change authorization is seeking to transfer the water right of three existing wetlands to a different water right. There will be no construction or alterations to the existing wetlands.

Determination: No significant impact

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

This change authorization is seeking to transfer the water right of three existing ponds that function as wetlands to a different water right. There will be no construction or alterations to the existing ponds.

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.*

This construction of the project has already been completed under Change Authorization 40M 30044937. The Primary spoil type within the place of use is Harlake-Lostriver Clay. Harlake-Lostriver Clay is classified as not prime farmland, nonsaline to moderately saline (0.0 to 8.0 mmhos/cm), with a high available water storage in profile (9.3 inches). One field and one wetland north of highway is primary Pendroy Clay. Pendroy Clay is classified as not prime farmland, nonsaline to slightly saline (0.0 to 4.0 mmhos/cm), with a high available water storage in profile (8.0 inches).

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.*

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.*

There are no air quality concerns with this project.

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.*

Determination: No significant impact

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: NA- Project not located on State or Federal Lands.

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 identified

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

Determination: This project will have no impact on human health.

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

Yes No *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 impact identified

Cumulative Impacts: No impact identified

3. *Describe any mitigation/stipulation measures:* N/A

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: There are no reasonable alternatives to the proposed action. The means of diversion and conveyance were constructed in 2010 under Change Authorization 40M 30044987.

PART III. Conclusion

1. Preferred Alternative: There are no reasonable alternatives to the proposed action.

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, therefore an EIS is not necessary.

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

Name: Todd Netto

Title: Water Resource Specialist

Date: January 29, 2020