

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Galt Ranch, LP
543 Birch Creek Road
White Sulphur Springs, MT 59645
2. Type of action: Petition to Modify Change Authorization No. 41J 30002272
3. Water source name: Big Birch Creek and Little Birch Creek
4. Location affected by project: Sections 1, 2, 5, 7, 8, 9, 10, 11, 14, 15, 17, 18 and 19, all in T9N, R5E, Meagher County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to modify all water rights that contain a condition of water measurement and provision for the cessation of flood irrigation on certain acreage based on a minimum stream flow level, by removing the condition and no longer reporting annual water use measurements. 18 water rights are affected by the proposed action.

The appropriator's reason for the proposed modification is that when stream flows recede to a level of 1.8 cubic feet per second (CFS) or less in Big Birch Creek, flood irrigation has already ceased on the acres designated to be curtailed. Cessation of flood irrigation occurs prior to the minimum flow target because there is insufficient flow to effectively irrigate the acreage. Removal of the condition will not alter the appropriator's management of irrigation operations and will have no net effect on the stream. The condition serves no added measure of protection to instream flows in Big Birch Creek.

The DNRC shall modify Change Authorization No. 41J 30002272 if the requirements of MCA 85-2-314 (2) are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Fish, Wildlife and Parks 2005 Dewatered Stream List
Montana Department of Environmental Quality Water Quality Record

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.*

The sources of supply are Big Birch Creek and Little Birch Creek. Five miles of Big Birch Creek are listed by FWP as chronically dewatered. The Applicant's irrigation diversions are already limited during low flow periods in the source and the action of removing the condition of water measurement and a minimum stream flow trigger level will not change the appropriator's management of irrigation operations or worsen the dewatered condition of the stream.

Determination: No 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 two surface water sources subject to this change have not been assessed and are not identified by DEQ as water quality impaired. The Applicants water use will not change and elimination of the measurement and trigger flow conditions will not adversely affect water quality.

Determination: No 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.*

The existing project includes a combination of sprinkler and flood irrigation, and the action of removing the surface water measurement condition will not change the management of irrigation operations. Therefore, the action will not result in changes to groundwater quality or supply.

Determination: No 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 proposal being considered is for removal of the water measurement condition. Almost all of the water rights have been in continual use for well over 100 years and there has been no recent

construction activity associated with the diversion works other than routine general maintenance. The removal of the water measurement condition will not result in any additional impact to stream channels, stream flows, riparian areas, dams or wells in the area.

Determination: No 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."

The action being considered is for removal of the water measurement condition. The action will not result in any new development or activity that would impact threatened or endangered species, nor create a barrier to the migration or movement of fish or wildlife. The action will not result in any changes to water management or supply.

Determination: No 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.

The action being considered is for removal of the water measurement condition and will not result in any new activity that would impact any area wetlands.

Determination: No impact.

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

Determination: N/A - project does not involve ponds.

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.

The removal of a water measurement condition on the Change Authorization will not result in any difference in water management or alteration to any soils.

Determination: No 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.

The removal of a water measurement condition on the Change Authorization will not result in any difference in water management or alteration to existing vegetation cover or introduce noxious weeds.

Determination: No impact.

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

No source of air quality deterioration was identified as a result of removing the water measurement condition.

Determination: No 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: 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.*

No other impacts to environmental resources have been identified.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

No locally adopted environmental plans or goals have been identified.

Determination: No impact.

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.

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

Determination: No impact.

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

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:

This proposal will remove a measurement and trigger flow stipulation.

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 reasonable alternatives have been identified in the EA.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

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: The action will result in no impacts to the environment. No changes to water management or irrigation practices are anticipated by the proposed action, therefore, an EA is an appropriate level of analysis.

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

Name: Scott Irvin

Title: Regional Manager

Date: June 26, 2020