

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:

Applicant

Sunny Slope Grazing Association, Inc.
455 US Hwy 89
Vaughn, Montana 59487

Contact

Meg Casey, Trout Unlimited
321 E Main Street, Ste. 411
Bozeman, Montana 59715

2. Type of action: Applications to Temporarily Change Water Right No. 76F 30112765
3. Water source name: Sauerkraut Creek, tributary to Black Foot River
4. Location affected by project: Sauerkraut Creek from the new point of diversion in the SESESE of Section 32, T14N R9W, Lewis & Clark County, to the confluence of Sauerkraut Creek and the Blackfoot River.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: On November 14th, 2017, the Applicant submitted Application to Change Water Right No. 76F 30112765 to temporarily change the purpose and place of use of Statement of Claim No. 76F 98260-00 from irrigation to instream flow for the benefit of the fishery resource in Sauerkraut Creek. The proposed project also includes the retirement of the historical irrigation ditch system and the installation of a new headgate and pipeline that will convey water diverted from the location of the new headgate in the SESESE of Section 32, T14N R9W, Lewis & Clark County, to the flood-irrigated place of use which will be reduced from 62 acres to 45 acres. The period of diversion for this claim is April 25 to September 15. A maximum flow rate of 4.5 cubic feet per second (CFS) will pass through the new headgate, with 3 CFS (up to 173 acre-feet (AF)) diverted into the pipeline for irrigation activities, and 1.5 CFS required to propel water past a new fish screen before immediately returning to the creek. The proposed instream place of use will extend approximately 1.7 miles from the new point of diversion in Sauerkraut Creek to its confluence with the Blackfoot River. Irrigation activities will cease once flows in Sauerkraut Creek drop to a trigger flow rate of 3 CFS at which point the Applicant may appropriate a maximum volume of 109 AF instream. The DNRC shall issue a water right change authorization if an applicant proves the criteria in §85-2-402, MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program:

Montana Dept. of Fish, Wildlife, & Parks:

Montana Dept. of Environmental Quality:

USDA Natural Resources Conservation Service:

Species of Concern

2005 Dewatered Stream List

303(d) list of impaired streams

Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

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 Montana DFWP does not list Sauerkraut Creek as a dewatered stream. DFWP studies conclude that Sauerkraut Creek supports a population of Westslope cutthroat trout and bull trout, and DFWP telemetry studies have documented the use of the creek by migratory cutthroat trout. The upper extent of Sauerkraut Creek has been severely modified by mining activity, while the middle and lower reaches of the creek have been impaired by irrigation and grazing activity. Restoration of the creek has been identified by DFWP as a worthy multi-tiered effort in the Blackfoot River basin to improve spawning and rearing conditions for native cutthroat and bull trout, with the final phase of this effort consisting of maintaining channel habitat and increasing instream flows. DFWP has identified 3 CFS as the baseline flow rate to achieve this task. This project will result in reduced irrigation activity, and the amount of water requested for instream appropriation by the Applicant is intended to augment streamflows in the late summer months and when flows drop below 3 CFS.

Determination: No negative 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 proposed project will not alter nor adversely affect water quality in Sauerkraut Creek. The purpose of this project is to reduce the extent of irrigation activity and irrigation water use and leave water instream for the benefit of the aquatic ecosystem. Streamflow augmentation resulting from this change in water use will help provide better habitat for critical aquatic species.

Determination: No negative 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.

Determination: N/A as this change in water use does not involve groundwater.

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 proposes to change the point of diversion of Claim 76F 98260-00 by retiring and consolidating the unlined earthen ditches historically used to irrigate the place of use into one new headgate and pipeline conveyance system. The headgate in question has a maximum diversionary capacity of 6 CFS, while the pipeline has a maximum capacity of 4.5 CFS; there is an inline flowmeter located in the pipeline that will allow the Applicant to ensure the diverted flow rate does not exceed 4.5 CFS, with 3 CFS being diverted for irrigation. The remaining 1.5 CFS that will be diverted is required to propel water past a Coanda fish screen, after which it will immediately return back to Sauerkraut Creek.

There will be no damage to Suerkraut Creek resulting from the authorization of this change since installation of the new irrigation system was completed prior to submission of this change application.

Determination: No negative 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 Montana Natural Heritage Program was consulted to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" that could be impacted by the proposed project. This project includes a permanent change in the point of diversion from the historical ditch system to one new headgate and pipeline that will convey water to the 45 acres that will continue to be irrigated. The new point of diversion includes a Coanda fish screen and fish bypass, and the water that is proposed to be appropriated instream will be made available from the installation of the pipeline and the reduction in the irrigated acreage. This project will not result in the loss or negative alteration of any wildlife habitat.

Determination: No negative 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.

Determination: Project does not negatively impact existing wetlands.

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

Determination: No negative impact – 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.

Determination: This proposed change will not result in any negative impact to surrounding soils.

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.

Installation of the headgate and pipeline was completed prior to submission of this water right change application.

Determination: N/A

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

There will be no source of pollution associated with the change in water use that will alter air quality.

Determination: No negative 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.*

The proposed pipeline is gravity-fed and is not expected to negatively impact surrounding environmental resources.

Determination: No negative impact.

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 negative 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 negative impact.

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

Determination: No negative 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 negative 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? Irrigated footprint will be reduced – no negative impacts.
- (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: 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 reasonable alternatives were identified.

Part III. Conclusion

1. Preferred Alternative: None identified.

2. Comments and Responses

4. 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:

An EIS is not the appropriate level of analysis for the proposed action because no significant negative impacts were identified.

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

Name: Danika Holmes

Title: Hydrologist/Water Resource Specialist

Date: May 13th, 2020