

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: Robert and Norma Tom, PO Box 713, Miles City, MT 59301
2. Type of action: Surface Water Application for Beneficial Water Use Permit 42C 30148377
3. Water source name: Unnamed Tributary to the Tongue River, Tongue River Oxbow Lake
4. Location affected by project: NW Section 10, T7N, R47E, Custer County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from an unnamed lake created by a cut-off side channel of the Tongue River (ox-bow lake), by means of a pump, from April 15 to September 30 at 15 GPM up to 0.63 AF, from a point in the SWNENW (Govt Lot 1) Section 10, T7N, R47E, Custer County for lawn and garden irrigation use from April 15 to September 30. The applicant proposes to irrigate lawn and garden on 0.25 AC on their property in the NW Section 10, T7N, R47E, Custer County. The place of use is located approximately one mile south of Miles City. 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 Department of Fish, Wildlife and Parks
Montana Department of Natural Resources and Conservation
Montana Department of Environmental Quality
Montana Natural Heritage Program
United States National Resource Conservation Service
United States Fish and Wildlife Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – The source is an oxbow lake created by an abandoned channel of the Tongue River. The Montana Department of Fish, Wildlife and Parks does not list this source as periodically or chronically dewatered. Aerial photographs over twenty years indicate consistent water in this lake during which time lawn and garden irrigation was taking place.

Determination: No significant impact

Water quality – The Montana Department of Environmental Quality does not list the oxbow lake as water quality impaired or threatened. Use of water from the lake for lawn and garden irrigation has little potential to impact water quality. Return flow from the irrigation may contain fertilizer leached from the lawn.

Determination: No significant impact

Groundwater – The withdrawal of water for lawn and garden irrigation has little potential of impacting groundwater quality or supply. Infiltration of water applied to residential lawn and garden may increase groundwater supply locally and could potentially carry fertilizer or lawn care chemicals.

Determination: No significant impact

DIVERSION WORKS – 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.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program, there are 25 animal species of concern and 3 plant species of concern in T7N, R47E, Custer County. The current project does not propose any changes to habitat. The project provides water for lawn and garden irrigation on a residential lot. The system has been in place and no new construction is proposed. The project does not propose any disruption to the natural habitat around the lake.

Determination: No significant impact

Wetlands – The United States Fish and Wildlife Service National Wetlands Inventory mapper indicates that the source and adjacent lakes in abandoned channels of the Tongue River are freshwater pond or emergent freshwater wetlands. No construction or alteration to any of these wetlands is proposed.

Determination: No significant impact

Ponds – The source of water for the proposed project is a pond or small lake. The pond maintains water levels year-round even during periods when water is being diverted for lawn and garden use. Existing habitat for fish and wildlife would not be affected.

Determination: No significant impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – The soil in the proposed project area is Delpoint-Yamacall-Cabbart loams according to the USDA Natural Resources Conservation Service Web Soil Survey. This soil type is well drained and non-saline to slightly saline. Lawn and garden irrigation has little potential to degrade soil quality, alter stability, or produce saline seep. Some increase in moisture content would occur with infiltration of irrigation water.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The current vegetative cover in the project area is residential lawn and garden. No change to the vegetative cover is proposed and no construction or other activity would allow the establishment or spread of noxious weeds. It will be the responsibility of the landowner to prevent establishment of noxious weeds.

Determination: No significant impact

AIR QUALITY – Lawn and garden irrigation has no potential to affect air quality.

Determination: No impact

HISTORICAL AND ARCHEOLOGICAL SITES – The proposed project is not located on State or Federal Land.

Determination: Not applicable

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No impacts on environmental resources other than those addressed above are recognized.

Determination: No impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals. The landowner would be responsible for compliance with local zoning ordinances.

Determination: No significant impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – There are no roads or other access to recreational or wilderness activities within the proposed project area. Lawn and garden irrigation will not alter quality of such activities located away from the proposed project.

Determination: No impact

HUMAN HEALTH – Lawn and garden irrigation has no potential to affect 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: Not applicable

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 secondary impacts of the project are recognized.

Cumulative Impacts: No cumulative impacts of the project are recognized.

3. *Describe any mitigation/stipulation measures:* None

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 only reasonable alternative to the proposed project is a no-action alternative. 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:** Issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

2. **Comments and Responses:** None

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 0.25 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 Resource Specialist
Date: 3/30/2020