

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:* Jon and Gael Carter
937 Road 23
Powell, WY 82435
2. *Type of action:* Application for Beneficial Water Use Permit
3. *Water source name:* Unnamed Tributary to Gold Creek
4. *Location affected by project:* Tract 12 Certificate of Survey 938 in Gov't lot 2 (SWNW)
Sec. 31, T8S, R21E, Carbon County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Jon and Gael Carter are requesting a beneficial water use permit in order to divert all available flow up to 71.6 acre-feet per year from an unnamed tributary to Gold Creek to use for water spreading irrigation for 20 acres of trees. 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)
Montana Bureau of Mines and Geology
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

This unnamed tributary of Gold Creek is not on the DFWP list of chronically or periodically dewatered streams. It is a nonperennial stream which only flows during snow melt and rain events.

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

This unnamed tributary of Gold Creek is not listed as water quality impaired or threatened by DEQ. The proposed use of water for water spreading 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 water spreading irrigation may increase groundwater recharge on the 20 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.

The proposed diversion would be a dike constructed across the stream bed. A 30 inch culvert with a sliding headgate would be placed in the channel parallel to the flow and covered with soil. There would be a rock spillway on top of the dike. When water is available, the headgate on the culvert would be closed causing water to back up behind the dike and spill into a 5 foot wide, 3 foot deep, V shaped ditch which would carry water to the place of use. Once irrigation is completed the sliding gate would be opened allowing water to flow down the creek.

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: Potential Impact

The Natural Heritage Program identified the following species of concern, within the project area: Golden Eagle, Greater Sage-Grouse, Long-Billed Curlew, Brewer's Sparrow and Western Milksnake. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. The proposed place of use falls within currently mapped core sage grouse habitat. This application was received prior to the effective date of the Order and is not subject to the core area stipulations. The conversion from sage brush to agriculture may cause a disruption to current sage grouse activities in the area and create habitat for predatory species.

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 significant 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 Impact

The soils in the proposed place of use are entirely Hanson extremely stony loam, sloping, which are non- to very slightly saline. The flood irrigation of 20 acres of trees should not degrade soil quality, alter stability or moisture content. There should be no 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

Existing vegetative cover would be removed on the 20 acres proposed for irrigation. 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

This proposed use is not inconsistent with locally adopted environmental plans and goals for Carbon County.

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 develop a grove of trees on his property. It may be possible for the Applicant to develop an alternate source of water, such as a spring or well, or abandon the proposal to irrigate new trees. The no action alternative would prevent the Applicant from developing 20 acres of his land for trees.

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 were identified. No EIS required.

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

Name: Christine Schweigert
Title: Water Resources Specialist
Date: December 31, 2015