

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: Lucille M Romberg
1330 Hwy 434
Wolf Creek, MT 59648
2. Type of action: Application to change Water Right No. 41QJ 12896-00
3. Water source name: Wolf Creek
4. Location affected by project: 1.5 miles Northwest of the town of Wolf Creek along Highway 434, Sections 28 and 34, Township 15 North, Range 4 West, Lewis and Clark County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
This application proposes to change (move) the historic headgate point of diversion serving a 0.31-mile long ditch upstream from the place of use to a new pump diversion located adjacent to the place of use. No other changes to the water right claim are being proposed. The DNRC shall issue a 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 (MTNHP)
 - USDA Web Soil Survey
 - Montana Department of Environmental Quality

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 impact.

The source is not identified by DFWP as a chronically or periodically dewatered stream. The new diversion will result in a lower diverted volume, leaving more water in the source between the historic and proposed new diversion. The consumptive volume will be the same.

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 impact.

Wolf Creek is not listed as impaired or impacted. The new diversion will result in the same net depletion from the source as the old diversion.

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.

The source of the water right claim proposed for change is surface water. Given the proximity of the historic ditch to the source, ditch seepage would likely have had the same general net annual recharge effect on the underlying aquifer as the water proposed to be left in stream between the historic headgate and the proposed pump diversion. Furthermore, ditch seepage is not legally protectable under the Montana Water Use Act. The same amount of water will be consumed from the source under the proposed change as was consumed historically.

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 impact.

The proposed pump diversion will have less impact on the stream channel than the historic headgate diversion, and will leave more water in stream below the historic diversion.

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: No impact.

MTNHP Identified 5 species of concern near the project area: Great Blue Heron (*Ardea Herodias*), Golden Eagle (*Aquila chrysaetos*), Peregrine Falcon (*Falco peregrinus*), Hoary Bat (*Lasiurus cinereus*), and Fisher (*Martes pennanti*).

The proposed change is not expected to have any adverse effect on water availability, and does not involve additional physical disturbance to the area, therefore no impact to the species listed above is expected.

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.

This project does not involve wetlands.

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

Determination: No impact.

This 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: No impact.

The place of use will be slightly reduced and within the same footprint under the proposed change, and the reduced amount of water applied will reduce potential seepage. No major soil components were identified in the vicinity that might cause saline seep, per the USDA Web Soil Survey.

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.

Irrigation and/or disturbance of the existing place of use will not change under the proposal.

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.

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 - The project is 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 further impact 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: 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.

The proposed project area is located on private lands.

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? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.

- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (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:** No mitigation necessary, no stipulations.
- 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 human or environmental impacts exist as a result of the proposed change, and the no action alternative results in less water left in-stream.

PART III. Conclusion

- 1. Preferred Alternative** No preferred alternatives identified.
- 2. Comments and Responses** None at this time.
- 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: An environmental assessment is the appropriate level of analysis because no significant adverse impacts were identified for the proposed project.

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

Russ Gates
Hydrologist/Water Resource Specialist
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