EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

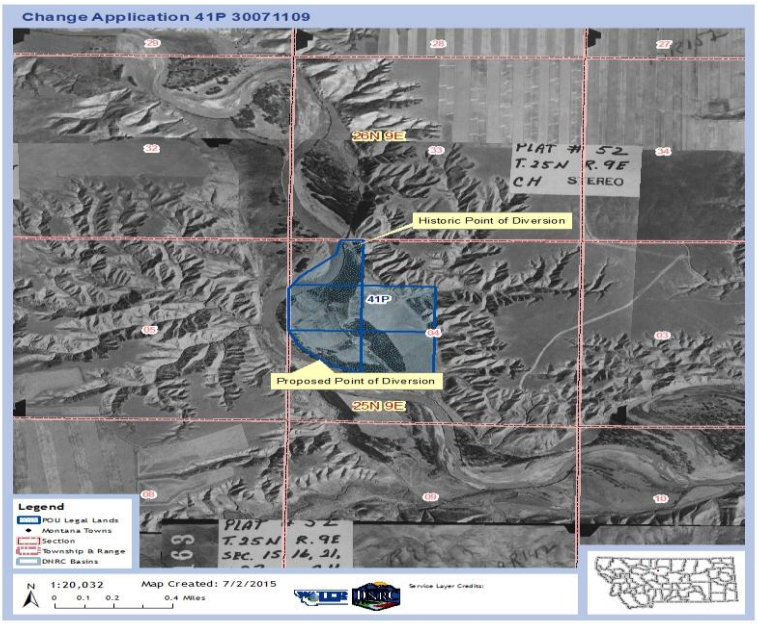
Part I. Proposed Action Description

1. Applicant/Contact name and address: River Ridge Ranch LLC
PO Box 522
Fort Benton MT 59422-0522

2. Type of action: Application to Change a Water Right 41P 30071109

3. Water source name: Marias River

4. Location affected by project: Applicant seeks to change the location of the POD and POU of Water Right Claim No. 41P 161027 in order to divert 500 gallons per minute (GPM) of flow and limited to a total maximum volume of up to 95.88 Acre Feet (AF) from the Marias River for the purpose of center pivot sprinkler irrigation with a priority date of March 1, 1932. The period of diversion and use will remain as May 15 to September 30. The place of use is to be 81 acres of center pivot irrigation also located generally in the west half of Section 4, Twp. 25 N, Rge. 9 E. The point of diversion is a pump located in Lot 7 in the NWSW of Section 4, Twp. 25 N, Rge. 9 E.. The following is a map depicting the general area the proposed project is located in:



5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: An applicant in a change proceeding must affirmatively prove all of the criteria in §85-2-402, MCA.

6. Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
USDA Natural Resources Conservation Service (NRCS) Soils Data Website
Montana Dept. of Environmental Quality Website (TMDL 303d listing)
Montana Dept. of Fish, Wildlife & Parks Website (Montana Rivers Information System)
USDI National Wetlands Inventory Website
Montana Natural Resource Information System

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: The reach of the Missouri River where the proposed project is to be located is not identified as a periodically or chronically dewatered stream by DFWP. It is unlikely that the proposed project will not worsen an already dewatered condition.

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: According to Montana Department of Environmental Quality (DEQ), all required Total Maximum Daily Load (TMDL) reports have been completed on the Marias River from the headwaters to the confluence of the Missouri River. The 2014 water quality information obtained from DEQ's Clean Water Act Information Center indicates that quality of the water found in this reach of the Missouri River fully supports primary contact recreation use, drinking water and agriculture. Not supported is aquatic life. It is not anticipated that the proposed project will cause an adverse effect to water quality found in this reach of the Marias River.

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: Minimal impacts to groundwater quality or supply are anticipated by the proposed new use of surface flows found in this reach of the Marias River.

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: Water will be diverted via a 500 GPM (1.11 CFS) Berkley Model B4Z pump powered by an 80 HP diesel engine will divert water from the Marias River and convey it through 500 feet of 6-8-inch, 80 PSI PVC pipe. One 9-span Valley center pivot with drop hoses and end gun will be used. The project has already been constructed. Therefore, any impacts to stream channels, flow modifications, barriers, riparian areas and/or dams have already occurred.

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: According to the information provided by the Montana Natural Heritage program, there is mammal (mammalia) species of concern in the vicinity. The species identified is the Hoary Bat.

There are two bird (aves) species of concern in the vicinity of the proposed project. The species identified are the Golden Eagle and the Great Blue Heron.

The two Reptile (Reptilia) species of concern in the vicinity is the Spiny Softshell Turtle and the Greater Short-horned Lizard.

There are five fish (actinopterygii) species of concern in the vicinity which are the Blue Sucker, Sturgeon Chub, Paddlefish, Sauger and the Pallid Sturgeon. There are also three fish (actinopterygll) potential species of concern which are the Brook Stickleback, Plains Minnow and the Burbot.

Additionally, there is one bird (aves) species of concern special status species identified by the Montana Natural Heritage as the Bald Eagle.

The proposed project is located in a sparsely populated area primarily composed of primarily cropland, it is not anticipated that the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or the species of special concern identified. It is also not anticipated that the proposed project will create a barrier to the migration or movement of fish or wildlife. No impacts are anticipated because the construction of the proposed project has already taken place.

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: There are no wetlands identified from GIS mapping of the proposed project utilizing NWI data. Because there are no wetlands identified within the proposed project area, there are no impacts anticipated.

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

Determination: No ponds or reservoirs are associated with the proposed project therefore the assessment is not applicable.

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: Data from the NRCS soils website indicate soil types within the proposed project area. Three soil types dominate the proposed project area. The dominate soil types are identified as Harlake silty clay, 0 to 1 percent slopes, Kobase silty clay loam, 0 to 4 percent slopes and Havre silty clay loam, 0 to 1 percent slopes. Degradation of soil quality, alteration of soil stability or moisture content is expected to be minimal to non-existent. Saline seepage in the area does not appear to be problematic nor does the proposed project appear to worsen any saline seepage problems.

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 impacts are anticipated because the system has been constructed. However, it is the applicant's responsibility to control 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: The applicant included plans in their application to incorporate electric motor driven centrifugal pumps. No deterioration of air quality or adverse effects on vegetation due to an increase in air pollutants is expected.

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 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 additional impacts on other environmental resources were 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: There are no known environmental plans or goals in this area.

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: The development should have no impact on human health.

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

Determination: The development should have no impact on human 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 adverse effect on private property rights is anticipated from this development.

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?*

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts have been identified.

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:***

No action alternative:

The applicant would not be able to develop their project as proposed.

Alternative 1:

Approve the application if the applicant proves the statutory criterion has been met.

PART III. Conclusion

1. ***Preferred Alternative:*** Alternative 1

2 ***Comments and Responses*** None to date.

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 EA is the appropriate level of assessment for the proposed action as no significant impacts were identified.

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

Name: /s/ Matt Miles
Title: Deputy Regional Manager
Date: July 10, 2015