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: Montana, State of Board of Land Commissioners,
   Trust Land Management Division
   PO Box 201601
   Helena, MT 59620-1601

2. Type of action: Application for Beneficial Water Use Permit No. 40EJ 30072794

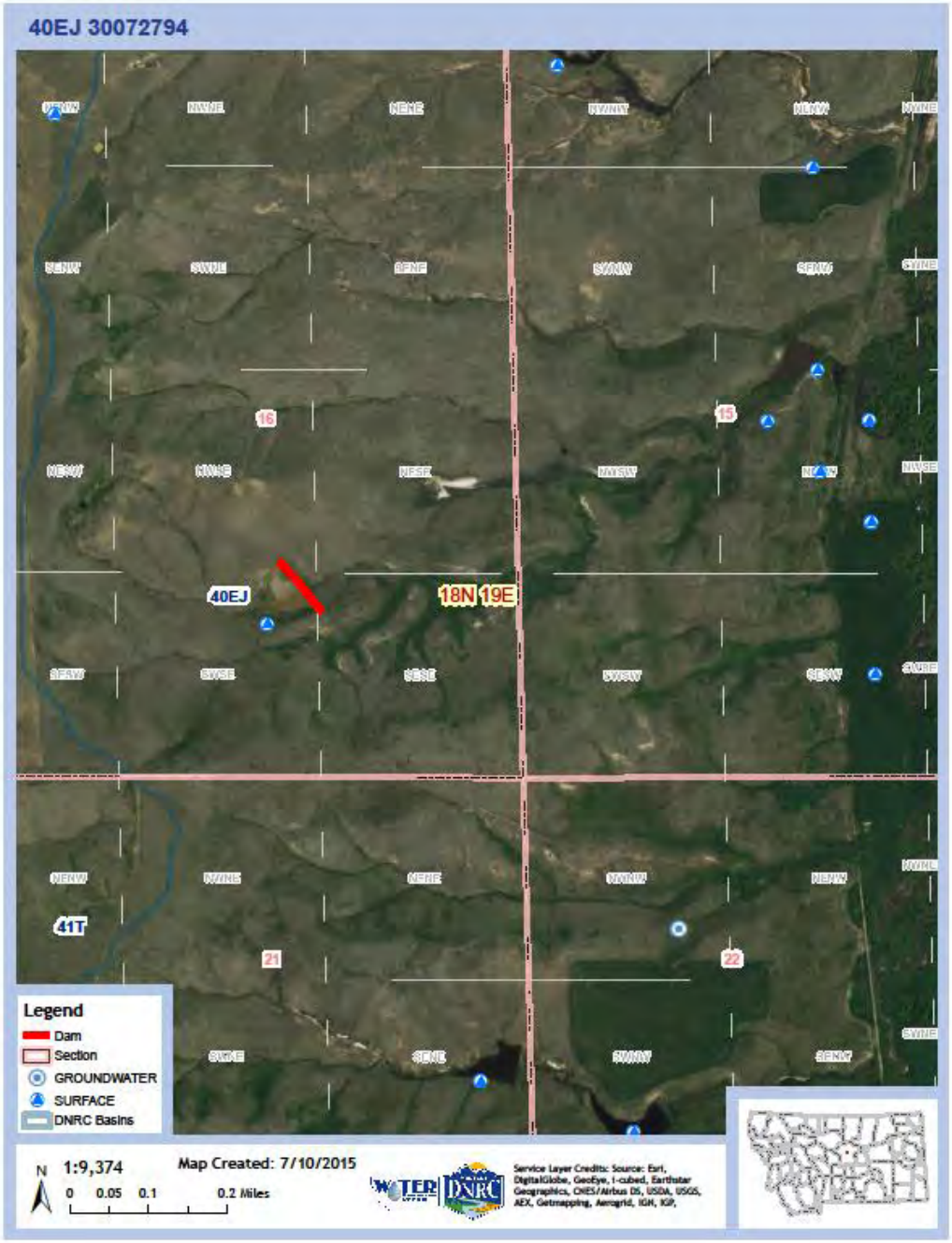
3. Water source name: Unnamed Tributary to Deer Creek

4. Location affected by project: NESWSE Section 16, T18N, R19E, Fergus County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
   The proposed project is an on-stream reservoir proposed for stock use. It is located on an Unnamed Tributary to Deer Creek, which flows into Armells Creek. The reservoir has a capacity of 19.2 Acre-Feet and is located in the NESWSE Section 16, T18N, R19E, Fergus County. The benefit of this project is to provide a stable source of water to stock during the year.

   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:
   Montana Department of Fish, Wildlife, and Parks
   USDA Web Soil Survey
   Montana Natural Heritage Program
   US Fish & Wildlife Service
   National Wetlands Inventory



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: The source is an ephemeral stream; it only flows during rain events and spring runoff.

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 stream is ephemeral and is not identified by DEQ.

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 significant impact: The requested diversion is for surface water so it should not affect groundwater quality or supply.

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 diversion is an on-stream dam which was built in 1989 by a lessee of the school trust land. No new construction will occur upon issuance of a water right permit for this reservoir.

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 significant impact: The Montana Natural Heritage Program identified 5 "Species of concern" that may inhabit the project area. None of the species identified are listed as "endangered" or "threatened" by the US Fish & Wildlife Service. There were no plant species of special concern identified within the project area. Since this project has already been completed, issuance of a water right permit will not have any significant impact on any of the identified species.

Ferruginous Hawk	Greater Sage-Grouse	Bobolink	Long-Billed Curlew	Brewer's Sparrow

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 significant impact: The only wetland identified in the project area by the National Wetlands Inventory report is the reservoir which the Applicant is filing for a water right on.

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

Determination: No significant impact: This project involves a reservoir that has been in existence since 1989. Issuance of a water right permit for this reservoir will not have any significant negative impact on wildlife, waterfowl, or fisheries resources.

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 significant impact: There will be no change to the soil quality or moisture content and there will be no alteration of soil stability associated with this project. The diversion structure (dam) was completed in 1989, and has been impounding water ever since.

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 significant impact: The project has been completed and there will be no new disturbances upon authorization of a water right permit. The Applicant will be responsible for continued noxious weed management.

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

Determination: No significant impact: There will be no adverse effects on air quality related to this 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: No significant impact: The DNRC archaeologist reviewed the project proposals and found only a segment of the abandoned Chicago, Milwaukee, ST. Paul and Pacific Railroad route (24FR411) on Section 16, T18N R19E state land. This cultural resource is not within the area of potential effect, however, so no additional archaeological review was recommended. The project should have No Effect to Heritage Properties as defined in the State Antiquities Act.

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 other impacts have been 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 known environmental plans or goals will be impacted by this project.

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 access or quality of recreational and wilderness activities will be significantly impacted by this project.

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

Determination: This project will have no significant 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.

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 impacts identified

(*b)* *Local and state tax base and tax revenues?* No significant impacts identified

(c) *Existing land uses?* No significant impacts identified

(*d)* *Quantity and distribution of employment?* No significant impacts identified

(e) *Distribution and density of population and housing?* No significant impacts identified

(f) *Demands for government services?* No significant impacts identified

(g) *Industrial and commercial activity?* No significant impacts identified

(h) *Utilities?* No significant impacts identified

(i) *Transportation?* No significant impacts identified

(j) *Safety?* No significant impacts identified

(k) *Other appropriate social and economic circumstances?* No significant impacts identified

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

Secondary Impacts? No significant impacts identified

Cumulative Impacts? No significant impacts identified

3. *Describe any mitigation/stipulation measures:* N/A

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 alternative would be a no action alternative. This is not a realistic option since construction of the dam and reservoir was completed in 1989.

PART III. Conclusion

1. Preferred Alternative

Issues a beneficial water use permit if the applicant proves the criteria in 85.2.311, MCA are met.

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:

The project has already been completed and no significant impacts have been identified.

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

Name: Nathaniel T. Ward
Title: Water Resource Specialist
Date: July 10, 2015