

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: Kittleson Family Partnership, LP
14199 CR 347
Fairview, MT 59221
2. Type of action: Application for Beneficial Water Use Permit No. 42M 30072782
3. Water source name: Unnamed Tributary to Fourmile Creek
4. Location affected by project: S2SE Section 6, T25N, R58E, Richland County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant is proposing to divert water from an Unnamed Tributary of Fourmile Creek by means of a dam. The requested volume is 56.35 AF for year-round stock use from a reservoir created by the proposed diversion. In this case, the dam and reservoir have been in existence for over 35 years.

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 Natural Resource Information System (NRIS)
Montana Department of Fish, Wildlife, & Parks (DFWP)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program
National Wetlands Inventory
USDA NRCS Web Soil Survey

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 of supply is an ephemeral, Unnamed Tributary (UT) to Fourmile Creek; it only flows during spring runoff or after significant precipitation events. The reservoir has been in existence for over 35 years and the proposed use is not anticipated to have any effect on the condition of the source.

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

The source of supply is an ephemeral UT to Fourmile Creek and is not specifically addressed by DEQ. Fourmile Creek is addressed by DEQ and is found to be not supporting of primary contact recreation or aquatic life. Impairments to Fourmile Creek include Chlorophyll-a, total dissolved solids, high levels of nitrite and nitrate, and flow regime alterations. No TMDL's have been completed at this time for Fourmile Creek. The proposed use is not anticipated to have any effect on the condition of the 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

The proposed project is for a surface water diversion and will not affect groundwater.

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 works have already been constructed and have been in place for over 35 years. There will be no additional construction with the authorization of this permit.

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 a list of 3 animal species of concern within the township and range that the project is in. Of this list, the Whooping Crane is listed by the US Fish & Wildlife Service as endangered. Whooping Cranes migrate through the northeast corner of Montana, and are not known to breed in the state. It is unlikely that the proposed diversion would have any impact on the Whooping Crane. The other two species identified, the Northern Redbelly Dace and Iowa Darter, did not show up in FWP's records of fish distribution for Fourmile Creek. It is unlikely that they would be found in the UT to Fourmile Creek if they are not found in Fourmile Creek. No plant species of special concern were identified within the project area.

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 within the project area by the National Wetlands Mapper is the reservoir for which this water right application is for.

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

Determination: No significant impact

There are no ponds which will be impacted by this project. The reservoir for which this permit application is for is already in existence and has been for over 35 years.

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

This reservoir has existed for over 35 years and there is no evidence on aerial photos of saline seep associated with the creation of the reservoir. According to the USDA NRCS Web Soil Survey, the soil type underlying the reservoir is Zahill-Lambert complex, 15-65% slopes, which are identified as nonsaline to very slightly saline. It is not anticipated that there will be any change in soil characteristics due to this project.

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 presence of leafy spurge has been identified in the project area by the Montana Natural Resource Information System website. No other noxious weeds are known to be present within the project area. It is not anticipated that this project will establish or spread any new noxious

weeds; the dam was put in over 35 years ago and has been impounding water ever since. There will be no change in practices at the reservoir upon issuance of a permit.

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 will be no change in the air quality associated with 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: 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 other potential 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 recreational activities will be impacted by this project.

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

Determination: The proposed project will 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 regulatory impacts are known.

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 identified
- (b) Local and state tax base and tax revenues? No significant impact identified
- (c) Existing land uses? No significant impact identified
- (d) Quantity and distribution of employment? No significant impact identified
- (e) Distribution and density of population and housing? No significant impact identified
- (f) Demands for government services? No significant impact identified
- (g) Industrial and commercial activity? No significant impact identified
- (h) Utilities? No significant impact identified
- (i) Transportation? No significant impact identified
- (j) Safety? No significant impact identified
- (k) Other appropriate social and economic circumstances? No significant impact identified

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:

The only alternative to the proposed action is the no action alternative. The no action alternative would be to not issue a permit for an on-stream dam impounding water for stock use. The dam and reservoir have already been in existence for over 35 years and are used by stock.

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 impacts related to the proposed project have been identified.

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

Name: Nathaniel T. Ward

Title: Water Resource Specialist

Date: May 5, 2015