

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:

Grayling Centennial LLC
Cusick, Farve, Mattick, & Michael, PC
PO Box 1288
Bozeman, MT 59771-1288

2. Type of action: Water Right Change Application 41A 30160010, for Water Right 41A 133547-00
3. Water source name: Hellroaring Creek
4. Location affected by project: Sections 15, 22, and 23, of Township 14 South, Range 1 East, Beaverhead County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicant proposes to retire 209 acres of flood irrigated land and change 229.4 AF diverted volume up to 5 CFS flow rate to supplement an existing fishery pond in the NWNE of Sec 22, T14S, R1E, Beaverhead County. Applicant will continue to utilize the historic Hellroaring Creek diversion and ditch to convey water to the proposed place of use via an extension ditch from the historic place of use to the ditch that feeds the pond from Corral Creek. This change application and concurrent Change Application No. 41A 30159714 for Claim 41A 133548-00 from an Unnamed Tributary to Hellroaring Creek will supplement water to the fishery pond in years when Claim 41A 133546-00 is unable to fully satisfy the 150 AF authorized under previous permanent Change Application 41A 30126471. Under the previous authorization, 0.5 CFS and 150 AF were authorized to be diverted from Corral Creek to supply the 18.7 AF capacity pond, 12.0 AF of evaporation, and 119.3 AF flow through volume to maintain the fishery habitat.

6. Agencies consulted during preparation of the Environmental Assessment: None

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 detrimental impact. The proposed action will result in more water being left in Hellroaring Creek than under historical practices. The proposed diverted volume is 119.6 AF less than the historical diverted volume, and the proposed consumptive volume is 32.2 AF less than the historical consumptive volume.

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 detrimental impact. The proposed action will result in an increase in the water in the source by reducing the amount diverted.

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 action does not involve groundwater and will leave more surface water in the natural channel than under historical practices.

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 action will utilize an existing 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. The proposed action will cease irrigation on the historical place of use and result in a return to natural conditions and an increase in stream flows in Hellroaring Creek. The proposed pond already exists on land formerly irrigated for agricultural purposes and will not result in the disturbance of any additional land outside of the historical place of use.

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 proposed action does not involve wetlands.

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

Determination: No impact. The proposed pond has already been constructed according to established fish pond guidance and does not involve the disturbance of any existing natural ponds. No further construction or development is proposed.

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 proposed action will significantly reduce the irrigated acreage and result in a return to natural conditions.

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: Potential minimal impact. The proposed action will return the majority of the area to natural conditions. The construction of a new section of conveyance ditch will involve some soil disturbance within the historically irrigated place of use and could potentially result in the spread of noxious weeds.

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. The proposed project will result in reduced agricultural activity.

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 impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: The proposed action is consistent with stream restoration goals.

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 proposed action will lead to improved fisheries habitat and increased water availability downstream.

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? No impact.

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 or stipulations are necessary.

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 no action alternative would result in decreased stream flows and continued departure from natural conditions.

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:

Name: Russ Gates

Title: Hydrologist/Water Resource Specialist

Date: 2/27/2024