

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:
Jim and Sandy Morgan
471 Pryor Mountain Road
Bridger, MT 59014
2. Type of action: Issue a permit on application number 10266-43D
3. Water source name: Hunt Creek
4. Location affected by project: Section 6, Township 8 South, Range 23 East
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met. Applicant is applying to use waste water from the Silver Tip Ditch to irrigate up to 100 acres as water is available using a 50 hp pump from a sump in the source. A valve will be used to control the pump when the canal isn't spilling water, so it doesn't burn up. They are planning to divert up to 2.0 cfs and up to 250 acre feet per year only if the canal is spilling enough water throughout the irrigation season.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish, Wildlife and Parks
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: Hunt Creek is an ephemeral stream and is not on MFWP's list of chronically or periodically de-watered streams. This project will use waste water from the Silver Tip Ditch which will reduce further erosion within this ephemeral stream and has been occurring for the life of the canal. The ditch company dumps over 10 cfs of waste water at times which produces erosion in Hunt Creek and enters Clarks Fork of the Yellowstone River, a tributary downstream.

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: Hunt Creek is an ephemeral stream and is not on MFWP's list of chronically or periodically de-watered streams. This project will use water being spilled from the Silver Tip Ditch which will reduce some erosion within this dry stream which has been occurring for the life of the canal. The ditch company dumps large volumes of water into Hunt Creek which produces erosion in Hunt Creek and may enter Clarks Fork of the Yellowstone River downstream.

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: This proposed use of water will have no impact on 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: The applicant proposes to use a sump in the source from which to pump with a 50 hp electric pump and a valve to stop power to the pump if the ditch company isn't spilling water. The proposed diversion will not obstruct flows in the source and no impoundments will be used to block the flow of water. The ditch company was concerned if the applicant used a reservoir to store water because their ditch bank is adjacent the stream and may cause it to fail.

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: The Montana Natural Heritage Program did identify the Greater Sage Grouse as sensitive, but not listed as endangered or threatened by the Forest Service and Bureau of Land Management.

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: A field investigation not find any wetland area nearby.

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

Determination: There is no pond planned for this project.

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: The proposed use is to irrigate alfalfa and should degrade soil quality or cause seep concerns if the water is used as a normal irrigation scheduling program with no waste. Since the source of supply is water being spilled by an irrigation company, this would not occur on a frequent basis to cause a saline problem.

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: There will be soil disturbance when the diversion is constructed and the ground to be irrigated will be tilled to plant alfalfa. It is expected the landowner will control noxious weeds in the source and field to maintain production of clean weed free hay.

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

Determination: There should be no long term deterioration of air quality after the project is completed.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: The Montana Historical Society did a file search was unable to locate sites with cultural properties.

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: There should be no major impacts to any environmental resources for land, water and energy beyond what has been addressed.

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

Determination: The proposed use of water is consistent with historical irrigation 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: There should not be a significant impact to access or impacts on recreational or wilderness activities since it is located on private land.

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

Determination: There should not be an impact on human health from this proposed use.

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

2. ***Secondary and cumulative impacts on the physical environment and human population:*** No significant impact.

Secondary Impacts None

Cumulative Impacts None

3. Describe any mitigation/stipulation measures:

The applicant will not construct any ponds, but use a sump instead to divert water from Hunt Creek. The applicant cannot make call from the ditch company to spill water into Hunt Creek. He will only use water being spilled as it is available.

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 applicant would not irrigate.

PART III. Conclusion

1. Preferred Alternative: The applicant would use this water as it is available and respect any senior water rights downstream. DNRC records did not show any other water users downstream of this proposed diversion.

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:

For the reasons explained above an EIS is not necessary.

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

Name: Keith Kerbel

Title: Regional Manager

Date: August 21, 2007