

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

Applicant/Contact name and address: **REYNOLD D MYERS
324 N SILVERTIP RD
BRIDGER, MT 59014**

1. *Type of action:* **APPLICATION FOR BENEFICIAL WATER USE PERMIT
NO. 43D 30042094**

2. *Water source name:* **HUNT CREEK**

3. *Location affected by project:* **NE¹/₄ NE¹/₄ SE¹/₄ , SECTION 36, T7S, R22E, IN CARBON
COUNTY.**

4. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This project is for surface water from Hunt Creek for irrigation of 15 acres of grass/alfalfa pasture, 2 acres of lawn & garden, and stock. The application requests a total volume of 30 acre-feet (AF) to be applied from May 1st to October 15th inclusive each year. The period of use is being requested due to the occurrence of water present in Hunt Creek during spring runoff and irrigation from neighboring fields. Currently the applicant uses potable water from wells on the property for irrigation and stock use. The intention of this application is to utilize non-potable water to supplement current irrigation and stock water in order to save drinking water for human consumption. The diversion system consists of a 1 horsepower (HP) pump that will draw water from the creek, and deposit it on the field and garden via sprinklers. The property is located in the NE¹/₄ NE¹/₄ SE¹/₄ of Sec. 36, T7S, R22E, in Carbon County. The place of use is within the same legal description in Carbon County. The requested water will be used for stock water and to irrigate grass/alfalfa pasture and lawn & garden area.

The DNRC will issue a provisional water use permit if all criteria for issuance under §§ 85-2-311, MCA are met.

5. *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 & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

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.**

Hunt Creek is a tributary of the Clark's Fork of the Yellowstone River and is not on the Montana Fish Wildlife and Parks list of chronically or periodically dewatered streams. There will be minimal impacts on the source from this proposed use, but those impacts are not expected to be significant.

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.**

Hunt Creek is not on the Montana Department of Environmental Quality's list of water quality impaired or threatened streams. This proposed irrigation use is expected to have no significant impact on water quality issues in the area.

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.**

This application is requesting the use of surface water; therefore, no significant impacts to groundwater quality or quantity are expected.

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 system for this application consists of a one horsepower pump hooked to a one and one half inch water line to divert water from Hunt Creek. The water will be supplied to movable sprinklers for irrigation purposes and water for stock. The volume of water held in the proposed pipeline has been estimated at ~180.6 gallons. The effects to Hunt Creek are expected to be minimal as the main source of water during the requested period of use is irrigation waste water flow from nearby fields.

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 has identified a species of concern within this proposed project area: the Greater Sage-grouse (*Centrocercus urophasianus*). It is not expected that this proposed project will adversely impact this species.

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.
No wetlands are claimed within the project area.

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

Determination: No significant impact.
No ponds are claimed within the project area.

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 project should not degrade soil quality or cause saline seep problems within the area as this land has been irrigated in the past.

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.
There will be some soil disturbance during construction of this proposed project and there is a possibility for spread or establishment of noxious weeds. The landowner is responsible for controlling any establishment of noxious weeds as a result of disturbance.

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.
No deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this project 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.*

Determination: No significant impact.

The State of Montana Historic Preservation Office (SHPO) did not identify any historic or archeological sites of record in the proposed project area. The only stipulation from SHPO is; any structure over fifty years old to be altered, is recorded by SHPO and

evaluated for historic preservation listing. The proposed project and use of water is not expected to have any significant impact on historical or archeological sites in the area.

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 significant impact.**

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

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 significant impact.**

This proposed use is not inconsistent with any locally adopted environmental plans and goals for Carbon County.

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 significant impact.**

There should be no significant impacts on recreational or wilderness activities from this proposed use.

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

Determination: **No significant impact.**

There should be no significant 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 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? **No significant impact.**

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

Secondary Impacts: **No significant impact.**

Cumulative Impacts: **No significant impact.**

3. *Describe any mitigation/stipulation measures:* **Beyond a signed affidavit from the downstream water user identified and the ditch rider, the applicant has also provided a plan for the mitigation of adverse affects should one develop in the future. The applicant states; due to changing level of Hunt Creek if water is insufficient for pumping they will not pump and should a water user make call, the pump can be removed to allow water to flow past the applicants property until the senior user is satisfied.**
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 has wells to supply the amount of water needed for the proposed uses. However, the applicant considers using potable water an undesirable use of Montana’s drinking water and is requesting the use of irrigation ditch waste water instead. It is questionable whether the water would be available in the amount requested in the future.**

The “no action” alternative would mean Reynold Myers may not have irrigation water for their property in the future and therefore not be able to raise stock and feed them from their own property.

PART III. Conclusion

- 1. *Preferred Alternative:* **The preferred alternative would be to allow use of water, from Hunt Creek with the condition that there will be no adverse impacts to any senior water rights.**
- 2. *Comments and Responses:* **None to report.**
- 3. *Finding:*
 Yes___ No_ **X** *Based on the significance criteria evaluated in this EA, is an EIS required?* **No EIS is required.**

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **No significant environmental impacts were identified, therefore no EIS is required.***

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

Name: **Mark V Corrao**

Title: **Water Resources Specialist**

Date: **October 7, 2008**