

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: **Charles J. Wideman
107 Whitetail Rd
Whitehall MT 59759-9636**
2. Type of action: **Application to Change a Water Right No. 30042994-41G
(Statement of Claim No. 120778-41G)**
3. Water source name: **Whitetail Deer Creek**
4. Location affected by action: **NENWNE, Sec 33, Twp 2N, Rge 4W, Jefferson County**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:
The Applicant proposes to change the historic point of diversion on one water right. The historic point of diversion was a headgate from Whitetail Deer Creek located in the NESWSW of Sec 21, Twp 2N, Rge 4W, in Jefferson County. The conveyance facility was the Black Ditch. The Black Ditch was severed in the late 1970's. The new point of diversion is a pump located in the NENWNE of Sec 33, Twp 2N, Rge 4W on Whitetail Deer Creek. The water is pumped to a mainline that runs a wheelline sprinkler to irrigate the Applicant's 19 acres.

The application to change is being filed because the historic water right point of diversion was never formally changed through the Department to reflect what is taking place on the ground.

The Applicant requests 315 gpm up to 49.6 acre-feet per year for this change.

The DNRC shall issue an Authorization to Change if the criteria in 85-2-402, MCA are met.

Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

**Montana Department of Natural Resources (DNRC) – Jim Beck, HRO Engineer
Montana Natural Heritage Program (MTNHP)
Montana Department of Environmental Quality (TMDL listing 2006 303(d)(list)
Montana Department of Fish, Wildlife & Parks (DFWP)(MFISH)
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 adverse impact.**
There is no information concerning dewatered areas. No data was found. The proposed project would not create an additional burden on the source of supply because no additional water will be diverted.

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 adverse impact.**
Whitetail Deer Creek is not listed on the TMDL water quality impaired list. The proposed project would not have an adverse affect to the water quality of the stream.

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 adverse impact to 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 adverse impact.**
The pump is a Berkley B2 ½ TPMSJM powered by a Century type 8C 15 hp motor. The water is pumped to a mainline that runs a wheelline sprinkler. The sprinkler irrigates the Applicant’s 19 acres.

The proposed project will not impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams or well construction.

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 adverse impact.**
According to the MTNHP there are several species of special concern in the area. The following species are of special concern: Canis lupus or Gray Wolf; Lanius ludovicianus

or Loggerhead Shrike; Athene cunicularia or Burrowing Owl; Charadrius montanus or Mountain Plover; Oreoscoptes montanus or Sage Thrasher.

Because none of the species are located in the immediate project area, no significant adverse impacts are anticipated.

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: **This proposed project does not involve wetlands.**

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

Determination: **This proposed project does not involve ponds.**

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 adverse impact.**

Anamac loam is the major soil type in the project area. This project will not cause a degradation of soil quality or alter the soil stability or moisture content. The typical profile of the soil is from 0 to 31 inches loam and 31 to 60 inches gravelly sandy loam. There is 10% of other minor soils. The frequency of flooding and ponding is none. Saline seep should not be a concern.

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 adverse impact.**

The project will not have an impact to vegetative cover. This project involves a change in point of diversion only and is already complete. The diversion point was moved in the late 1970's. The vegetative cover will not be disturbed; therefore it will not allow any noxious weeds to take control. The landowner is responsible for controlling any noxious weeds on the property.

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 adverse impact.**

This project should not cause a deterioration of air quality or cause adverse effects to vegetation due to increased air pollutants.

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 adverse impact.**

The proposed project involves land that has been previously disturbed. This project will not involve a disturbance of the land on the property.

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 adverse 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: **No significant adverse impact.**

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 adverse impact.**
This project will not impact access to or the quality of recreation and wilderness activities.

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

Determination: **There will be no significant adverse impact to human health from the proposed project.**

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.
Yes ___ No **X**.

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 adverse impact.**
- (b) Local and state tax base and tax revenues? **No significant adverse impact.**
- (c) Existing land uses? **No significant adverse impact. The existing land use is not changing.**
- (d) Quantity and distribution of employment? **No significant adverse impact.**
- (e) Distribution and density of population and housing? **No significant adverse impact.**
- (f) Demands for government services? **No significant adverse impact.**
- (g) Industrial and commercial activity? **No significant adverse impact.**
- (h) Utilities? **No significant adverse impact.**
- (i) Transportation? **No significant adverse impact.**

- (j) Safety? **No significant adverse impact.**
- (k) Other appropriate social and economic circumstances? **No significant adverse impact.**

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

Secondary Impacts: **There have been no secondary impacts on the physical environment and human population identified at this time.**

Cumulative Impacts: **There have been no cumulative impacts on the physical environment and human population identified at this time.**

- 3. Describe any mitigation/stipulation measures: **No mitigation or stipulation measures have been identified or discussed at this time. The application will go through the DNRC public notice procedure and water users concerned with the potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed.**
- 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: **There do not appear to be any reasonable alternatives to the proposed action. The point of diversion was physically moved in the late 1970's when the historic Black Ditch conveyance facility was severed. A pump was placed in Whitetail Deer Creek to pump the water to a mainline which in turn runs a wheelline sprinkler. The point of diversion change was never formalized through the Department. This was discovered during a meeting for enforcement with the Montana Water Court. This Application to Change a Water Right, if granted, will correct this oversight and the water right will reflect what is happening on the ground.**

PART III. Conclusion

- 1. Preferred Alternative: **Issue the Authorization as applied for by the Applicant, or in some modified form considered reasonable.**
- 2. Comments and Responses: **There have no been comments or responses 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 for the proposed action because no significant environmental impacts were identified.

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

Name: Kathy Arndt

Title: Water Resources Specialist

Date: March 19, 2009