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: McCone County Conservation District
PO Box 276
Circle, MT 59215

2. Type of action: Application to Change a Water Right No. 40S-30044918

3. Water source name: Missouri River

4. Location affected by project: SESENESW, Section 14, T27N, R49E, McCone County
SESWSESW, Section 13, T27N, R49E, McCone County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
This change application is to use a portion of the McCone County Conservation Districts water reservation. The project will use 12 cfs up to 571 acre-feet on a total of 194.8 acres. The two points of diversion are located in the SESWSESW of section 13 and the SESENESW of section 14, T27N, R49E. The place of use is 71.7 acres in the SW of section 13, 30.7 acres in the SE of section 14, 20.6 acres in the E2NE of section 23, and 71.8 acres in the W2 of section 24, all in T27N, R49E, McCone County. The applicant will benefit from this project by developing a portion of their water reservation that was granted in 1994. The producer will benefit by having an additional 194.8 acres under flood irrigation. This project is to add 194.8 acres to an existing flood irrigation project covered under statements of claim 40S-166063 and 40S-106040. The acres in this application are in addition to those in the existing water rights but will share one point of diversion and part of the existing means of conveyance (ditches).

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

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

Montana Natural Heritage Program
McCone County Soil Survey – Web Soil Survey
Montana Department of Environmental Quality – Website
National Wetlands Inventory – Website
Lower Missouri River Basin Final EIS
MT Dept of Fish, Wildlife & Parks (Montana Rivers Information System) – Website

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: The Missouri River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. The DFWP has a water reservation on this portion of the Missouri River for 5178 cfs to maintain instream flows.

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: The Montana Department of Environmental Quality has listed this segment of the Missouri River on the TMDL 303(d) list. The listing shows partial support for aquatic life and warm water fish. The probable reason for the partial support of these uses is flow regulation/modification due to Fort Peck Dam. All other uses are fully supported by the source. The authorization of this project will have no significant impact on water quality.

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: The use of this surface water should have no impact on groundwater supply or quality.

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 diversion consists of an existing 16" Crisafulli CP16R Regular Lift pump powered by a 150 hp JD diesel engine. The pump will be moved between the two pump sites. The pump is currently used to irrigate an existing system under water rights #40S-166063 and 40S-106040. Water will be pumped into an existing ditch and a new ditch and then applied to the fields using 6" turnouts that are spaced 30 feet apart. A drainage ditch will return excess carry water to the Missouri River approximately 1.2 miles from the lowest point of diversion. No channel impacts, flow modifications or barriers will occur as a result of authorization of this application to change.

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: A report received from the Montana Natural Heritage Program indicates there are seven species of special concern within the general area of the project. Three of these species are currently listed under the Endangered Species Act. The least tern and the pallid sturgeon are listed as endangered and the piping plover as threatened. The sicklefin chub and the sturgeon chub are candidates for listing. The paddlefish and the blue sucker are classified as special status by the Bureau of Land Management. Habitat for all these species extends over numerous townships.

The least tern and the piping plover prefer nesting sites on barren islands and sandbars. Pump sites are typically set in deeper water. The shallow water around islands and sandbars are avoided. There is a sandbar near the proposed pump site, on the opposite side of the river, however this project will be using an existing pump site so no additional impact to the tern or plover should occur.

Impacts to wildlife from the development of the McCone County Conservation District's water reservation were addressed in the Lower Missouri River Basin Final Environmental Impact Statement prior to the granting of the reservations.

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: According to the National Wetland Inventory there are palustrine wetlands in the area surrounding the existing and proposed part of the project. The wetlands will not be impacted by the use of the new pump site. There are two small fingers of wetland that do enter into the proposed place of use but these areas are not classified as functional wetlands. The only other wetland near the proposed project is the Missouri River itself.

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

Determination: Not applicable. This is a pump diversion out of the Missouri River.

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: According to the McCone County Soil Survey, the predominant soil types under the proposed project are Havrelon silty clay loam and Lohler silty clay loam, protected. These soil types are deep, well drained, nearly level soils found on high terraces along the Missouri River, formed in alluvium. Permeability is moderate and the available water capacity is high. Runoff is slow and the hazard of erosion is slight. These soil types are used for both dryland and irrigated crops and are not prone to saline seep. These soils are well suited to irrigated crops and when irrigated are considered prime farmland.

Irrigation enhances crop cover during the growing season and provides more protection from wind and water erosion. Irrigation also increases plant residues returned to the soil. Soil structure is improved, microbe populations benefit from the added food source, and nitrogen fertility is enhanced.

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: A portion of the land is currently farmed and the rest is in native grasses. There will be additional ground disturbance with the construction of the new ditch and those areas that will not be seeded to a crop should be re-seeded to native grasses. There will be no significant impact to the existing vegetative cover as a result of this application. It is the responsibility of the property owner to control noxious weeds on their 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 impacts to air quality are expected due to 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.*

Determination: According to the Montana State Historic Preservation Office (SHPO), there are no previously recorded cultural sites within the area. In a letter dated May 26, 2009 SHPO stated they feel there is a low likelihood that cultural properties will be impacted and that a cultural resource inventory is not warranted at this time. As the project is located on private property, any cultural resource inventory conducted would be at the property owner's discretion.

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 impacts to other environmental resources were 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: There are no known environmental plans or goals 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: This project will have no significant impact on recreational or wilderness activities.

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

Determination: This change application 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: There are no additional government regulatory impacts on private property rights associated with this application.

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 secondary impacts have been identified.

Cumulative Impacts – Cumulative impacts were addressed in the Lower Missouri River Basin Final Environmental Impact Statement, 1994, granting the water reservations to the conservation districts.

3. ***Describe any mitigation/stipulation measures:*** None at this time.

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:*** Under the no action alternative the McCone County Conservation District could not allocate this portion of their water reservation to the property owner. To continue to fulfill the purpose for which the water reservation was granted, the Conservation District could authorize this portion of water to another individual.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a change authorization if the applicant proves the criteria in 85-2-402, MCA are met.

2 Comments and Responses

3. ***Finding:***
Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

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

Name: Denise Biggar
Title: Glasgow Unit Manager
Date: June 2, 2009