

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* MWH Investments LLC; AJG LLC; Bear Paw Springs LLC  
22315 White Peaks Dr  
Bend, OR 97702
2. *Type of action:* Application to Change a Water Right No. 40S-30044987
3. *Water source name:* Beaver Creek
4. *Location affected by project:* SESWNE, Section 6, T31N, R33E, Phillips County  
SWNWNE, Section 7, T31N, R33E, Phillips County  
NWSESE, Section 31, T32N, R33E, Phillips County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
This application is to change a portion of an existing irrigation water right (40M-46610-00). The application proposes to change the purpose for a portion of the right from irrigation to wetlands, add three new points of diversions, and change the place of use to include three seasonal wetland developments. The applicant is proposing to remove 73 acres from irrigation to provide water for the wetlands. The wetland developments will have a combined surface area of 37.7 acres. A portable pump will be used once a year at each of the new points of diversion to provide a combined volume of 41.1 acre-feet of water to the wetlands. Water will be pumped into the wetlands in the fall (September-October) if water is available. If not, it will be pumped into the wetlands in March or early April. Any water remaining in the developments in mid-June will be released back into Beaver Creek. The proposed new purpose for this portion of the water right is wetlands and will provide shallow seasonal wetland habitat for nesting waterfowl. The applicant has entered into a 30 year Wildlife Extension Agreement with the US Fish & Wildlife Service. The construction of the developments has been completed but no water has yet been appropriated for them.

The proposed new points of diversion are located in the SESWNE, Section 6, T31N, R33E, SWNWNE, Section 7, T31N, R33E, NWSESE, Section 31, T32N, R33E, Phillips County. The proposed new places of use are located in the E2W2NE, Section 6, T31N,

R33E, S2N2N2, Section 7, T31N, R33E, S2S2, Section 31, T32N, R33E, Phillips County.

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 Department of Environmental Quality – Web site  
Montana Natural Heritage Program  
Phillips County Soil Survey – Web Soil Survey  
National Wetlands Inventory – Website  
MT Dept of Fish, Wildlife & Parks (Montana Rivers Information System) – Website

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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 Beaver Creek for 11 cfs from April 1 to November 30 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:* Beaver Creek is listed on the Montana 303(d) list as partially supporting aquatic life and warm water fishery, while fully supporting agricultural uses. The probable source for the impairment is agriculture use with the probable causes of alteration in stream-side vegetative cover, total nitrogen and phosphorus, and physical substrate alterations. The applicant will need to obtain a 310 permit for the three new pump sites from the Phillips County Conservation District.

**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:* Dikes have been constructed around two small fields and also at the end of an old oxbow of the creek. Water will be pumped into the wetland areas with a Crisafulli L-16C High Lift portable pump. The pump has a rated capacity of 8000 – 10,000 gpm at a PTO speed of 500 rpm's. It is proposed that the pump will be used at a flow rate of 8600 gpm and that at that rate it will take approximately 24 hours to fill all three impoundments, 2 to a depth of 1 foot and the third to a depth of 4 feet. Water release structures have been built into the developments and any water remaining in the wetlands in mid-June will be released back into Beaver Creek. There will be no significant impacts to the channel, flow modification, barriers or riparian areas as a result of authorizing the proposed change in point of diversion and place of use.

**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 is one species of special concern within the general area of the project. The Greater Sage Grouse is currently listed as a sensitive species by the BLM. While the range for this species extends over two thirds of the state, according to the Montana Department of Fish, Wildlife & Parks, their preferred habitat is located on sagebrush benches. The three proposed wetland projects are all located in the bottoms adjacent to Beaver Creek and will have no significant impact on the Sage Grouse. The wetlands will not create a barrier to the migration or movement of fish or wildlife.

**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 each of the proposed wetlands will overlap with a portion of currently identified palustrine wetlands. The proposed purpose of the project is to enlarge and enhance these areas to provide additional waterfowl habitat.

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

*Determination:* The applicant has entered into 30 year wildlife extension agreements with the US Fish & Wildlife Service as participants in a wildlife management program. Approximately one foot of water will be added yearly to the wetlands to provide nesting habitat for waterfowl. The water level will be allowed to drop throughout the nesting season as part of the management plan and any water remaining in the ponds mid-June will be released back into Beaver Creek. According to the US Fish & Wildlife Service the objective of the project is to create shallow, open, seasonal wetland habitat that is located within a larger wetland complex of different wetland sizes, depths and types and will increase the number of duck pairs that settle in the 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:* According to the Phillips County Soil Survey, the predominant soil type under the proposed wetland projects are Harlake-Lostriver clays. This soil type is deep, well drained, nearly level soils found on flood plains formed in alluvium. Permeability is moderate and the available water capacity is moderate. This soil type is used for both dryland and irrigated crops and is classified as non-saline to slightly saline. This soil type has features that are very favorable for reservoirs. The soils are currently not hydric but with the application of water for extended periods of time it is anticipated that the soils will develop hydric characteristics.

**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:* One of the proposed wetland sites is currently farmed, the second one is in native grasses and the third site is an oxbow from an old meander of the creek. There has already been construction of the dikes around the wetland sites and those areas 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:* The Montana State Historic Preservation Office was not consulted regarding this project. The construction of the project has been completed but no water has been appropriated. There will be no additional ground disturbing activities associated with the three wetland projects. All ground disturbing activities have already taken place. Additionally, 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 additional impacts on 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 local 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 project will have no adverse 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: No cumulative impacts have been identified.

**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 applicant would not use the water for the wetland development and would continue to use it for irrigation as they have historically done.

***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 why the EA is the appropriate level of analysis for this proposed action:* No significant impacts have been identified, therefore an EIS is not necessary.

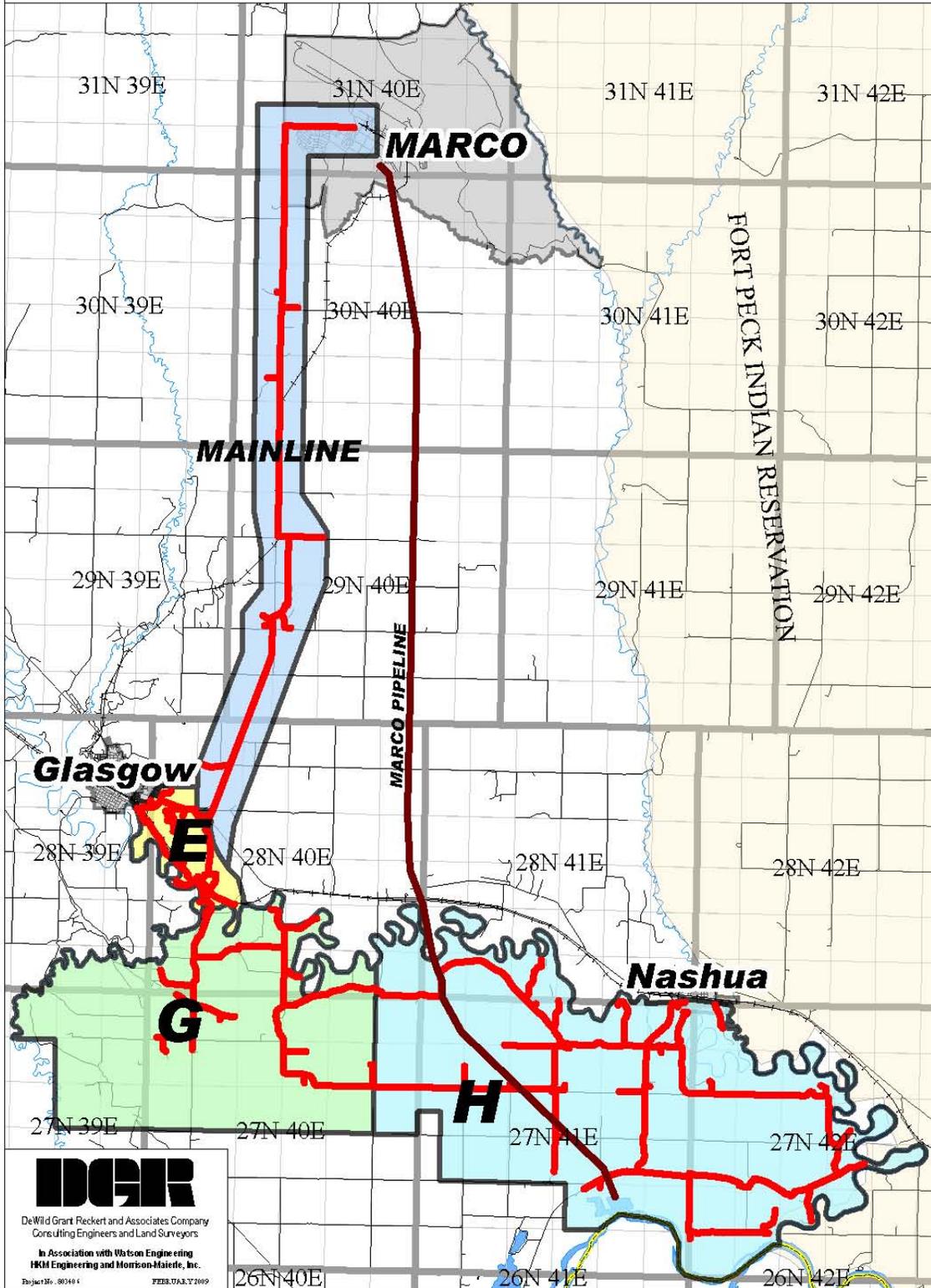
*Name of person(s) responsible for preparation of EA:*

*Name:* Denise Biggar

*Title:* Glasgow Unit Manager

*Date:* July 30, 2009

# VALLEY COUNTY PROJECT - PHASE I DRY PRAIRIE RURAL WATER AUTHORITY



**DCR**

DeWild Grant Reckert and Associates Company  
Consulting Engineers and Land Surveyors  
In Association with Watson Engineering  
PKM Engineering and Morrison-Maierle, Inc.  
Project No. 003404 FEBRUARY 2009