

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: Rosebud Conservation District
for Gerald Q Kaye Trust
PO Box 1200
Forsyth, MT 59327

2. Type of action: Application To Change A Water Right No. 42KJ 30049009

3. Water source name: Yellowstone River

4. Location affected by project: Sections 1 & 12, T6N, R38E; Rosebud County
35 T7N, R38E; Rosebud County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The applicant proposes to add a point of diversion and a place of use to the Rosebud Conservation District Water Reservation for sprinkler irrigation. The additional point of diversion and the place of use were not listed on the original reservation application. The proposed point of diversion will be located in the SW NW NW, Sec. 12 T6N R38E. A pump will be used to divert the water at a maximum flow rate of 9.9 CFS from 4/1 to 11/1. The maximum volume to be used for this change will be up to 291 acre-feet (AF) per year. The place of use, as applied for, will be 130 acres located in sections 1, T6N, R38E and 35, T7N R38E, Rosebud County, MT.

The authorization of this change will allow the Rosebud Conservation District to fulfill the obligation of their reservation, which is to provide future irrigation development.

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)

MT Fish, Wildlife & Parks - Montana Fisheries Information System
MT Dept. of Environmental Quality Website - TMDL 303d listing
MT National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species Rosebud County, MT

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: Low likelihood of Impact

The MT Department of Fish, Wildlife and Parks (MT DFWP) does not identify the Yellowstone River as dewatered from Yellowstone/Treasure County line to the Montana/Dakota border. This application proposes to take 291 AF of water from Yellowstone River; there could be a minor impact to the river in drought or water-short years.

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: Low Likelihood of Impact

There is no known water quality assessment for the Yellowstone River in the vicinity of the proposed project. The water quality category is 4C-TMDLs are not required; no pollutant-related use impairment identified. The Yellowstone River, in the stream reach from the Big Horn River to the Cartersville Diversion Dam, shows fully supporting designation for Agricultural and Industrial beneficial uses, partially supporting designation for warm water fishery and not assessed designation for aquatic life, drinking water, and primary contact recreation beneficial uses. No adverse impacts to water quality are expected as a result of this project.

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: Low Likelihood of Impact

Groundwater elevations may slightly increase during the irrigation season in those areas where the additional water is applied.

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: Low Likelihood of Impact

The producer is proposing to divert 9.9 CFS from the Yellowstone River using existing diversion structures. A 16” Crisafulli pump and an 18” Kelderman pump will divert water from the river at a point in the SWNWNW Section 12, T6N, R38E, to a concrete sump.

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: Low Likelihood of Impact

The Montana National Heritage Program Website lists 8 species as “Species of Concern” within Townships 6 and 7 North, Range 38 East. The common name for these species are: Hoary Bat, Great Blue Heron, Greater Sage-Grouse, Bald Eagle, Loggerhead Shrike, Spiny Softshell Turtle, Blue Sucker and Sauger. It lists 2 “potential species of concern”, the Plains Minnow and Burbot. There are no plant species of concern or potential concern listed for the area. The USFWS recommends the Applicant do a survey for the presence of bald eagles in the project area. If bald eagles are found the Applicant should follow the provisions outlined in the Montana Bald Eagle Management Plan (July 1994). The project is largely in place and consistent with other agricultural developments in the area; it is unlikely that any threatened species or species of concern would be further impacted.

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: Low Likelihood of Impact

The USDI Fish & Wildlife Service – Wetlands Online Mapper shows no existing wetlands in the project location. The subject property has been previously farmed and impacts from access to the pump sites are expected to be minor; there is a low likelihood that wetland resources would be impacted.

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

Determination: No Impact

A pond is not involved in 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: Low Likelihood of Impact

The soils in this area are generally suited for irrigation. The Rosebud Conservation District has included special terms in their authorization for reserved water use. On soils 67 creed loam, 88 & 89 gerdrum clay loam it is recommended that they be deep tilled and that high amounts of crop residue be maintained and incorporated into the soil to increase permeability and if needed leach salts through the profile. The project area has been farmed in the past and is consistent with other agricultural developments in the area; it's unlikely that any unnatural degradation of soil characteristics would occur.

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: Minor Impact

The project area has previously been farmed, little displacement of vegetative cover is expected. Normal weed management practices can be employed to control noxious weeds in the area - it is the responsibility of the 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: Low Likelihood of Impact

There is a low likelihood of impacts to air quality; the project will have no emissions other than the emissions from equipment used to plant and harvest the acreage.

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

Determination: Low Likelihood of Impact

The project is not located on state or federal land. Therefore this section is not applicable.

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: Low Likelihood of Impact

No other impacts have been 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: Low Likelihood of Impact

The use of this water for irrigation purposes which is in line with the Conservation District development plan.

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: Low Likelihood of Impact

The project is consistent with agricultural development in the area, and should not place additional impacts on access or quality of recreational activities.

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

Determination: Low Likelihood of Impact

No impacts to human health have been identified.

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: Low Likelihood of 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? No
- (i) Transportation? No

(j) Safety? No

(k) Other appropriate social and economic circumstances? No

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

Secondary Impacts:

No secondary impacts anticipated.

Cumulative Impacts:

No cumulative Impacts anticipated

3. Describe any mitigation/stipulation measures:

No mitigation or stipulation measures have been identified. A measurement condition will be placed on the water right as required by the reservation final order.

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:

No action alternative. Deny the application. This alternative would result in none of the benefits of increased forage production and the related economic benefits being realized by the water users.

PART III. Conclusion

1. Preferred Alternative: Project as proposed.

2. Comments and Responses: No comments have been received.

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:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Christine Smith

Title: Water Resources Specialist

Date: June 23, 2011