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:

   Stephen R. Langlas
   2270 Grant Rd.
   Billings, MT 59102

2. Type of action: Application To Change A Water Right No. 43D 30043833

3. Water source name: Rock Creek, West Fork

4. Location affected by project: Section 22, T7S, R20E; Carbon County

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

   The applicant proposes to change the place of use from 32.86 acres in NWSW Sec. 15, T7S, R20 E, to 12.1 acres in the W2NENW Sec. 22, T7S, R20E, Carbon County, Mt. for flood irrigation. The maximum volume to be used for this change will be up to 23.21 acre-feet (AF) per year. The place of use, as applied for, will be reduced to a total of 12.1 acres located in Section 22, T7S, R20E, Carbon County, MT. The historic consumptive use was 17.11 AF and the proposed consumptive use will be 11.42 AF.

   The authorization of this change will allow Mr. Langlas to irrigate his 12.1 acres of hay.

   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

MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper

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 West Fork Rock Creek as dewatered. This application proposes to take 23.21 AF of water from West Fork Rock Creek. The diversion already exists, only the place of use is changing.

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 West Fork Rock Creek in the vicinity of the proposed project. The diversion already exists, only the place of use is changing. 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

There will be no new diversion from the West Fork Rock Creek, because this is a change in place of use only.

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 10 species as "Species of Concern" within Townships 6 and 7 North, Range 38 East. The common name for these species are: Hoary Bat, Wolverine, Canada Lynx, Grizzly Bear, Northern Goshawk, Cassin's Finch, Greater Sage-Grouse, Brown Creeper, Brewer's Sparrow, and Yellowstone Cutthroat Trout. They list 2 "potential species of concern", Ovenbird and Broad-tailed Hummingbird. There are no plant species of concern or potential concern listed for the area. 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; 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 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 Carbon County 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.

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 user.

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 28, 2011