

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

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Guy E & Marlene A Schram
155 Pray Rd
Livingston, Mt. 59047-8708
2. *Type of action:* Application to Change A Water Right # 30005167-43B
3. *Water source name:* Mill Creek
4. *Location affected by project:* E2 E2 SE Sec 19 T5S R9E, Park County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The applicants purchased a .63 CFS water right with a priority date of August 1,1889. Currently they irrigate 40 acres using existing water rights with June 1,1903, and June 4, 1963 priority dates. In the past this water right was used on 160 acres located in the NE Sec 19 T5S R9E, and 15 acres in the W2SESW Sec 17 T5S R9E, Park County. This 175 acres is still being irrigated using other water rights conveyed through the Mill Creek pipeline. The DNRC shall Authorize a Change if the applicant proves that the criteria in #85-2-402, MCA, are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction) Montana State Historic Preservation Office, Montana Natural Heritage Program, Gallatin County Planning Office, Montana Department of Fish, Wildlife & Parks, Montana Department of Environmental Quality.

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

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: Mill Creek is listed as both Chronically and Periodically dewatered. This is an existing water right, which was historically diverted, and will not be diverting additional water.

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: Mill Creek has been listed on the DEQ, 303(d) list. Water quality should not be impacted by 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: This use of surface water will have no impact on groundwater.

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 water will be diverted through the Mill Creek pipeline. This pipeline went on line in 1992. There will not be any barriers or modifications created by using this existing pipeline.

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: The Montana Natural Heritage Program was contacted. Mill supports a population of Yellowstone Cutthroat Trout, a species of special status. The Wedge-leaved Saltbush may be found in the area. Since the area being irrigated has been plowed & planted in the past, this plants presents is unlikely.

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: By irrigating the same 40 acres using earlier water, existing wetlands, if any exist, will not be impacted.

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

Determination: This project does not involve a pond.

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: It is unlikely that saline seep would be found at this site. By diverting water through a different ditch soil quality or stability, or moisture content should not be impacted.

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: Existing vegetative cover will not be changed.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: There should be no significant impact on air quality relating to this change.

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

Determination: Since this field has already been plowed and irrigated, SHPO believes a cultural resource inventory is unwarranted.

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: The Park County Planning board has no restrictions against changing the place of use for irrigation water.

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 is located on private land, with no access to recreational or wilderness activities. No impact is expected.

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

Determination: No impact to human health is expected.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted by this proposed action.

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 impact
- (b) Local and state tax base and tax revenues? No impact
- (c) Existing land uses? No impact
- (d) Quantity and distribution of employment? No impact
- (e) Distribution and density of population and housing? No impact
- (f) Demands for government services? No impact
- (g) Industrial and commercial activity? No impact
- (h) Utilities? No impact
- (i) Transportation? No impact
- (j) Safety? No impact
- (k) Other appropriate social and economic circumstances? No impact

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

Secondary Impacts It has been determined that there are no secondary impacts to the physical environment, or human population.

Cumulative Impacts The cumulative impacts to the physical environment, or human population are minimal.

3. ***Describe any mitigation/stipulation measures:*** No mitigation measures are necessary.

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:*** The applicant could continue to irrigate using their existing water rights, which to date have never been cut off. They could drill an irrigation well, and make application for a new water right.

PART III. Conclusion

1. ***Preferred Alternative*** Irrigate the same 40 acres using the earlier water.

2. ***Comments and Responses*** None received to date.

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: Significant impacts have not been identified. The EA is the appropriate level of action for this project.

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

Name: Jan R. Mack

Title: Water Resources Specialist

Date: April 8, 2004