

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:* Morse Land Co., LLC, Attn Steve Liebmann
7177 Jade Hill Lane
Bozeman, Mt. 59715
2. *Type of action:* Application To Change A Water Right # 30005349-41C
3. *Water source name:* Ruby River
4. *Location affected by project:* NW Sec 31 T4S R5W, Madison County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Water rights from the Ruby River are used for irrigation. Of the past irrigation, 60 acres of land are being removed. Using an evaporation rate of 2.24 acre-feet per acre, a total of 134.4 acre feet of water may be saved. Of this total, 80.29 acre-feet will be changed to mitigate the evaporative loss from this 37 surface acre wildlife reservoir. The reservoir has a capacity of 59.2 acre-feet. Water flows through the pond, and discharges into a manmade drain ditch, and the Ruby River. A total of 137.74 GPM up to 80.29 acre-feet of water is being changed. Application for Beneficial Water Use Permit #30005348-41C is was filed to divert 110 GPM, up to 177.43 acre-feet from a drain ditch. The DNRC shall Authorize a Change is 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 Historical Preservation Office, Montana Department of Fish, Wildlife & Parks, Montana Natural heritage Program, Madison County Planning Office, 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: The source of water, the Ruby River, is not listed as chronically or periodically dewatered by the DFWP.

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 Ruby River is listed on the DEQ, 303(d) list. No additional water will be diverted. If 60 acres is retired from irrigation, and the saved water is run through a 37 acre-foot reservoir, there may be a net savings to the Ruby River.

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: Surface water will be diverted into this wetland pond, where it may seep out and recharge the 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: Water currently flows in an existing irrigation ditch. This water flows through the irrigation ditch, before being diverted into a recently constructed wetland pond. The outflow from this pond runs into a irrigation ditch, before running into the Ruby River.

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. They identified the Rocky Mountain Dandelion & Slender Indian Paintbrush as possibly occurring near this project sight.

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: This pond was dug in an area with high groundwater. It is unknown if wetlands existed at the sight of the new shallow wetland pond, or if functional wetlands were impacted..

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

Determination: This shallow pond was constructed to provide waterfowl habitat.

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: Saline seep did not occur at the location of this pond. Soil moisture should be unchanged.

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 was removed to create this shallow pond.

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 new pond.

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

Determination: SHPO was contacted. Since the pond was already constructed any archeological or historical sites have already been destroyed.

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 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: Madison County has no restrictions against building wetland ponds, for waterfowl habitat.

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 public recreational or wilderness activities. No impact is expected.

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

Determination: No impact on human health is expected.

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: 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 No secondary impacts to the human or physical environment have been identified.

Cumulative Impacts No cumulative impacts to the human or physical environment have been identified.

3. Describe any mitigation/stipulation measures: Mitigation or stipulation measures are not planned 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: The no action alternative would be to not Authorize this change. It already exists, and would remain in place, without legal status. If surface water were not diverted into this pond, it may be partly filled with groundwater. Permit #30005348-41C can be issued only if change Authorization #30005349-41C is issued.

PART III. Conclusion

1. Preferred Alternative Authorize the change to mitigate evaporation loss from the pond.

2. Comments and Responses None received at this time.

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: September 22, 2004