

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
<b>ENVIRONMENTAL ASSESSMENT</b> <b>For Routine Actions with Limited Environmental Impact</b>

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: **WESTERN MONTANA LAND & LIVESTOCK LLC  
1724 LAKE HILL RD  
DEER LODGE, MT 59722**
2. Type of action: **Authorization to Change a Water Right No. 411-30020288  
(Statement of Claim Nos. 76G 126399 through 126404)**
3. Water source name: **Racetrack Creek**
4. Location affected by action: **Sec 29, 30, 31 Twp 8N Rge 9W, Powell County**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:

**The applicant is proposing to change the place of use for existing water right numbers 76G 126399 through 126404, inclusive. The point of diversion will remain a head gate on Racetrack Creek in the SESWSW Sec 16, Twp 6N Rge 10W, Powell County. Water is conveyed to the place of use using the Morrison Ditch. The water rights have been severed from the historic place of use since the land is being developed under an approved subdivision plat. There will be no increase in the historically irrigated acres (165.0), and no additional water will be consumed. The applicant will irrigate using a center pivot designed by Reinke Manufacturing. The purpose of use will remain irrigation for growing grass and alfalfa.**

**The new place of use is 165.0 acres in the following sections owned by the applicant.  
105 acres in the SW Sec 30 Twp 7N Rge 9W, Powell County  
60 acres in the N2NW Sec 31 Twp 7N Rge 9W, Powell County**

Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

**MT Natural Heritage Program - Species of Concern, T/E  
MT Dept. of Environmental Quality - 2004 Montana Water Quality Integrated Report  
MT Dept. of Fish, Wildlife and Parks - Montana Fisheries Information System  
The Montana Noxious Weed Survey and Mapping System**

## **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: **No significant impact.**

**Racetrack Creek, the source of supply is listed by DFWP as chronically dewatered from river mile 0.0 to river mile 11.3. This water right change should not have any effect on the availability of water in this source as the historic diversion amount will remain the same or be decreased due to increased efficiency.**

**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: **No significant impact.**

**Racetrack Creek is listed on the 2004 DEQ Montana 303(d) list. Racetrack Creek is considered water quality category 4C. TMDLs are not required; no pollutant-related use impairment identified. The proposed project will not affect water quality.**

**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: **No significant impact to groundwater quality or supply. This project does not involve 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: **No significant impact.**

**The proposed means of diversion is an existing headgate on Racetrack Creek that feeds the Morrison ditch. A pump will be used to pull water out of the ditch to run the center-pivot system. The center pivot system is designed by Reinke Manufacturing and is designed to use approximately 1,000 gallons of water per minute.**

#### **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: **No significant impact.**

**The MT Natural Heritage Program identified the Bull Trout and the Idaho Sedge as a species of special concern in close proximity to the project area.**

**The center-pivot irrigation system is unlikely to have any adverse impact on the habitats of the species of special concern. The Bull Trout resides in the Clark Fork River and this project should have no impact on the Trout as water is not being taken from the river and no extra water will be consumed in this change. The Idaho Sedge tends to be found to the north of the project area, and any disturbance due to the proposed project should have little effect on the Sedge.**

**No animal or bird species of special concern were identified.**

**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: **No significant impact. There are no wetlands in the area of the proposed change.**

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

Determination: **No significant impact. There are no ponds in the area of the proposed change.**

**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: **No significant impact.**

**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: **No significant impact.**

**The Montana Noxious Weed Survey and Mapping System identified Spotted Knapweed in the project vicinity. The conversion to Center-pivot irrigation would have minimal disturbance to soils. The landowner is responsible for controlling any establishment of noxious weed as a result of disturbance.**

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

Determination: **No significant impact.**

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

Determination: **According to the Montana Cultural Resource Information System (CRIS) by the Montana State Historic Preservation Office (SHPO), there are no previously recorded**

historic or archaeological sites in the proposed place of use. Since the project is located on private property, the decision to conduct a cultural inventory would be at the discretion of the property owner.

**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: **The proposed project will not cause any additional impacts on land water or energy resources.**

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant impact.**

**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: **No significant impact.**

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

Determination: **No significant impact to 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: **No 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 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: **No adverse secondary or cumulative impacts were identified. The predominant landuse in the area is agriculture and the proposed change will continue to use the water for agricultural purposes. The proposed change will not increase the historically irrigated acres (165.0), and no additional water will be consumed.**
  3. Describe any mitigation/stipulation measures: **Racetrack Creek is a decreed stream and a water commissioner controls the water entering the Morrison ditch. A measuring device is used to determine the flow rate at the point of diversion. In periods of water shortage only the earliest rights will be filled based on priority date.**
  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 water rights would go unused as the historic place of use is being developed under an approved subdivision plat. There do not appear to be alternatives if the water rights are going to continue to be used for irrigation.**

### **PART III. Conclusion**

1. Preferred Alternative: **Issue the authorization for the proposed project.**
2. Comments and Responses: **There have been no comments or responses.**
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: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

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

Name: Eric Chase  
Title: Water Resource Specialist  
Date: May 16, 2006