

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:*
Bradley J. Bean
2320 Amsterdam Road
Belgrade, MT 59714
2. *Type of action:* Application to change a water right # 30019219-41H
3. *Water source name:* West Gallatin River
4. *Location affected by project:* Sec. 28, 33, T1N, R4E, Sec. 9,10,15 T1S, R4E, Gallatin, Co.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

PAST USE OF WATER

The priority dates for these West Gallatin River water rights range from June 15, 1883 to June 10, 1902. The period of diversion and use is from March 1st to December 4th each year when sufficient flows are available in the source. The combined flow rate for this group of water rights is 29.3 CFS. The point of diversion is located in the SENENE of Sec 16, T1S, R4E in Gallatin County, and water is conveyed by the D.N. Hoffman Ditch. The place of use consists of 343.5 acres generally located in Sections 28 and 33, T1N, R4E in Gallatin County.

PROPOSED CHANGE

The proposed change will relocate 8 CFS and 320 acres of irrigation. The historic point of diversion and D.N. Hoffman Ditch will continue to convey water to the new place of use. A maximum volume of 694.4 acre-feet will be used on 320 acres located in the E2SENE of Sec 9, the W2W2W2 of Sec 10, and the NWNW of Sec 15, all in T1S, R4E in Gallatin County. The period of diversion and use will remain the same, March 15 to October 15 of each year.

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

Montana Dept of Fish, Wildlife and Parks helped with preparing this application as Part of a Future Fisheries Improvement Project.

Montana Natural Heritage Program (MTNHP)

Montana Fisheries Information System (MFIS)

Montana Department of Environmental Quality (TMDL listing 2002 303(d) list)

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: MTDFWP has identified the Gallatin River as chronically dewatered from Shedd's Bridge to the mouth. The proposed change should not use more water than historically allowed.

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 impact identified

The West Fork of the Gallatin has been identified on the DEQ 303(d) list. The proposed change should not contribute to additional bed load. Existing conveyance will be used.

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 impact identified.

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 impact identified.

The existing diversion works from the West Gallatin River will be used.

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 impact identified.

The MTNHP has identified five species of special concern in the vicinity of the project area. All of the species are vertebrate animals. They are as follows: Melanerpes lewis or Lewis's Woodpecker; Dolichonyx oryzivorus or Bobolink; Oreoscoptes montanus or Sage Thrasher; Spizella breweri or Brewer's Sparrow; Numenius americanus or Longbilled Curlew. None of the occurrences were in the immediate area of the project.

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 Impact identified.

The project does not involve wetlands.

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

Determination: this project does not involve ponds.

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 Impacts Identified.

There should be no significant impact on soil quality or stability. There is no evidence of saline seep near the project location.

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: Irrigated pasture will exist in the new place of use development of one kind or another will exist in the old place of use.

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

Determination: No impacts identified.

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

Determination: The Montana State Historic Preservation office was contacted. Since no new ground will be disturbed they believe that this change would create a low likelihood that cultural or historical resources would be impacted

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 Gallatin County Planning Board has no restrictions against changing place of use of existing water rights.

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 on human health is expected.

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

Yes x No ___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination:

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

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

Secondary Impacts: By removing irrigation from Sec. 28, lands beyond the irrigated property that follow a subdued contour down slope may not have the benefit of return flow.

Cumulative Impacts There are no cumulative impacts to the physical environment, or human population.

3. Describe any mitigation/stipulation measures:

No mitigation or stipulation measures have been planned.

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:

PART III. Conclusion

1. Preferred Alternative: Proceed with the application process

2. Comments and Responses: No comments have been received at this time.

3. Finding:

Yes___ No___ 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:

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

Name: Porter Dassenko

Title: Water Resource Specialist

Date: 5/10/2006