EA Form R 1/2001

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: **Hugh Spall Trust**
PO Box 831
Ellensburg, WA 98926-0831

2. Type of action: **Authorization to Change a Water Right No. 41I-30019101 (Statement of Claim No. 44664-76F)**

3. Water source name: **Beaver Creek**

4. Location affected by action: **NESENW Sec 22 Twp 14N Rge 9W, Lewis and Clark Co.**

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

The application is proposing to add a point diversion for existing water right number 44664-76F. The point of diversion will be located on Beaver Creek in the NESENW Sec 22 Twp 14N Rge 9W, Lewis and Clark Co. The proposed project will divert water through a 10-inch diameter pipe and into a ditch on the northeast corner of the irrigated parcel. The existing point of diversion is located in the NESESW Sec 15 Twp 14N Rge 9W. The period of diversion would remain April 15 to October 15. The maximum flow rate and volume for this change would be 2.75 cubic feet per second and 178.1 acre-feet per year. The place of use will remain 65 acres in the NW Sec 22 Twp 14N Rge 9W, Lewis and Clark Co.

The additional point of diversion should reduce ditch loss during conveyance and may benefit instream flows.

The DNRC shall issue an Authorization to Change if the criteria in 85-2-402, MCA are met.

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:

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: **No significant impact.**
Beaver Creek, the source of supply, is not listed by DFWP as chronically dewatered. This water right change should not have any affect on the availability of water in this source as the historic diversion amount will remain the same.

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.**
Beaver Creek is not listed on the DEQ Montana 303(d) list. 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.**

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 applicant will use a 10-inch diameter pipe with a control gate to divert water from Beaver Creek into a ditch. Water will be dammed using a plastic check dam to raise the level of Beaver Creek. A measuring device will be required to determine the flow rate and volume used at the new point of diversion.

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: **Potential for significant impact.**
The MT Natural Heritage Program identified the Westslope Cutthroat Trout as a species of special concern in Beaver Creek. This project has the potential to impede fish passage in Beaver Creek during active irrigation. The applicant proposes to use plastic damming

fabric to raise the water level of Beaver Creek during irrigation. The damming fabric will be removed when irrigation is not taking place. There is no mitigation plan for fish passage during periods of irrigation.

The MT Natural Heritage Program identified Felis lynx (Lynx), Ursus arctos horribilis (Grizzly Bear), Contopus cooperi (Olive-sided Flycatcher), and Spizella breweri (Brewer's Sparrow) as a species of special concern in the vicinity of the project. It is unlikely that the proposed project would have any impact on the habitat of these species. No plant 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.**
The proposed change does not include or effect 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 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. There would be minimal disturbance to soils with the installation of the diversion pipe and new ditch. 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.**
During construction there may be deterioration of air quality due to exhaust from construction vehicles and dust from exposed soils. This impact will be minimal and will end when the project is complete.

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

Determination: **No significant impact.**
The project involves land that has been historically disturbed by agricultural practices.

Because the project is located on private property, it is at the landowner's discretion to conduct a survey to determine if any cultural sites exist within the project area.

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: **None 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: **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.**

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 proposed project will use ground historically irrigated.**

3. Describe any mitigation/stipulation measures: **After the proposed pipe is installed the existing ditch will be backfilled and the ground seeded. A measuring device will be installed on the pipeline.**

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 project would continue to be used as it is today. There do not appear to be alternatives. Reducing ditch loss during conveyance may benefit instream flows.**

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: June 9, 2006