

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Revised 11-00

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:* J. Harry Taylor II
P.O. Box 27
Saco, MT 59561
2. *Type of action:* Water Right Change Application No. 40M-30022669
3. *Water source name:* Beaver Creek
4. *Location affected by action:* SW, Section 14, T31N, R34E, Valley County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This application is to change the point of diversion and place of use on a portion of an existing water right, 40M-7667-00. The proposed change will remove 90 acres out of flood irrigation and move those acres to a 128-acre center pivot approximately 23 stream miles downstream. Application to Change 40M-30022668 has also been filed to change a portion of 40M-7666-00, which would remove 44 acres of flood irrigation and move them to the same center pivot. An additional point of diversion will be added to supply the center pivot at the new place of use.

The new place of use will be in the SW, Section 14, T31N, R34E, Valley County. The additional point of diversion will be located in the SWSWSW, Section 14, T31N, R34E, Valley County.

The new pump site and pivot have been installed and were used during the 2003 and 2004 irrigation seasons.

The DNRC shall issue an authorization to change if the applicant proves the criteria in 85-2-402 are met.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Natural Heritage Program
Valley County Soil Survey
Montana Department of Environmental Quality – Website
National Wetlands Inventory – Website

Part II. Environmental Review

1. Environmental Impact Checklist:

<h3>PHYSICAL ENVIRONMENT</h3>

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: While Beaver Creek is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife and Parks, this application does have the potential to create an impact on water quantity. The additional point of diversion is located approximately 23 stream miles downstream. Due to the location of springs in the creek at the new location, it is possible that the new point of diversion may provide a more reliable supply of water than the old point of diversion. Additionally, the new point of diversion will be located approximately 2 miles downstream from a point where a Malta Irrigation District drain ditch empties into Beaver Creek. Water may be available at the new point of diversion at times when it would not be available at the old point of diversion. While sprinkler irrigation may be more efficient than flood irrigation, it is possible that a larger total quantity of water may be taken out of the source during the irrigation season due to increased availability.

Additionally, the new point of diversion is an additional point of diversion and would have to be regulated properly so the withdrawals from the Beaver Creek would not exceed the historical use of the existing water right.

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 Montana Department of Environmental Quality has listed this segment of Beaver Creek on the TMDL 303(d) list. The listing shows partial support for aquatic life and warm water fish in this segment of the creek. All other uses are fully supported by the source.

It is anticipated that the authorization of this project would have no significant impact on water quality, however the proposed additional point of diversion would have to be regulated properly so the withdrawals from the Beaver Creek would not exceed the historical use of the existing water right. The sprinkler irrigation system will have little to no runoff or return flows to the creek.

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: The use of this surface water should have no significant impact on groundwater supply or quality.

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 diversion consists of a pump, which will pump water at a rate of 900 gpm to supply the center pivot. If withdrawals of water are regulated as proposed, no channel impacts, flow modifications or barriers are anticipated with this type 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: A report received from the Montana Natural Heritage Program indicates there are no species of special concern within the general 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: A map from the National Wetland Inventory shows that there are no wetlands near the proposed irrigated acres except the riverine wetland (Beaver Creek) in the SWSWSW of Section 14. The SW of Section 14 has been dry land farmed for many years.

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

Determination: This is a pump diversion out of Beaver Creek. There are no ponds associated with this application.

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: According to the Valley County Soil Survey, the soils that will be irrigated with this project consist of Evanston-Lonna loam soils. Runoff is medium and the hazard of wind and water erosion is moderate. This soil type is not prone to saline seep.

Typically irrigation enhances crop cover during the growing season and provides more protection from wind and water erosion. Irrigation also increases plant residues returned to the soil. Soil structure is improved, microbe populations benefit from the added food source, and nitrogen fertility is enhanced.

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: There was some ground disturbance with the construction of the mainline from the pump site to the pivot. The majority of the ground where this line was constructed has been cultivated for many years and is under crop. Areas not cropped should be re-seeded with native grasses to inhibit the establishment of noxious weeds. It is the responsibility of the property owner to control noxious weeds on their property.

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 to air quality are expected due to this project.

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 State Historic Preservation Office (SHPO), there are no previously recorded cultural sites within the area. Because of the minimal ground disturbance associated with the project, SHPO feels that there is a low likelihood that cultural properties will be impacted and that a cultural resource inventory is not warranted at this time.

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: There are no known environmental plans or goals in this area.

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 will have no significant impact on recreational or wilderness activities.

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

Determination: This change application will have no impact on 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: There are no additional government regulatory impacts on private property rights associated with this application.

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:*** As this is a change in point of diversion on the same source and a change in the place of use, no secondary or cumulative impacts have been identified.
3. ***Describe any mitigation/stipulation measures:*** None at this time, however with the proposed additional point of diversion, the flow rates and total volume would have to be regulated so that withdrawals from the Beaver Creek would not exceed the historic use of the existing water right.
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 applicant could continue to flood irrigate as

he has in the past at the old place of use. The applicant could not, however, develop an additional pump site and move the place of use to the new location applied for in this application. He would have to continue to use his existing pump site and existing place of use.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

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

Name: Denise Biggar

Title: Water Resources Specialist

Date: July 27, 2006