

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Rowland, David T. and Judy
75 Lower Dry Gulch
Townsend, MT 59644**
2. Type of action: **CHANGE APPLICATION 30025564-41I
(41I 15266)**
3. Water source name: **Spring, Unnamed Tributary of Missouri River**
4. Location affected by project: **Sec. 34, TWP 8N RGE 2E, Broadwater County**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

This change is for a proposed construction of a fish and wildlife pond in the NENWNW of SEC. 34, TWP 8N RGE 2E, Broadwater County. The applicant proposes to change existing water right 41I 15266 from a stock purpose to fish and wildlife purpose.

The proposed pond will have a triangular shape with dimensions of 450 feet from east to west and 210 feet from north to south and a total surface area of 47,250 square feet (1.08 acres). The pond will be excavated to a depth of 15 feet.

The applicants are planning on retaining the historic volume, flow, and point of diversion. The entire flow of the ditch will be diverted into the pond and will return via an outflow structure. Primary consumption of water will result from evaporation.

The pond will provide continuous fish and wildlife habitat.

The DNRC shall issue a water use permit to the applicant if the criteria in 85-2-311, MCA are met.

6. 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 - 2006 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.**

Missouri River, the source of supply listed by DFWP as periodically dewatered from river mile 2271.10 to river mile 2312.40. 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 will be decreased due to decreased consumptive use.

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.**

The Montana DEQ Clean Water Act Information Center lists Deep Creek on the 2006 303d list. Agriculture, industrial, and primary contact recreation were fully supporting; Aquatic life and cold water fisheries were partially supporting; drinking water was not supported. 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 proposed means of diversion will remain as historically claimed.

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 a Double-crested Cormorant rookery, *Phalacrocorax auritus*, the Caspian Tern, *Hydroprogne caspia*, the American White Pelican, *Pelecanus erythrorhynchos*, the Bobolink, *Dolichonyx oryzivorus*, the Forster's Tern, *Sterna forsteri*, the Lark Bunting, *Calamospiza melanocorys*, and the Long-billed Curlew, *Numenius americanus*, as species of special concern in the vicinity of the project.

Double-crested Cormorants prefer habitat located near ponds, rivers, lakes, lagoons, and swamps usually within sight of land. They nest on the ground or in trees in relatively dense colonies and typically forage within 20 km of roost site.

Caspian Terns prefer aquatic shoreline habitats and nest on sandy or gravelly beaches,

American White Pelicans are highly threatened by habitat loss and water level problems and have a low tolerance to disturbance of the breeding colonies due to being highly susceptible to predation; pesticide contamination; and threatened by loss of breeding and feeding areas. The species prefers Estuarine, Lacustrine, Riverine, and Palustrine habitat isolated from mammalian predators.

Bobolinks breed in areas of tall grass, flooded meadows, prairie, deep cultivated grains, and hayfields. The species prefers habitat with moderate to dense vegetation, tall vegetation, and moderate deep litter.

Forster's Terns are threatened by human disturbance and development of nesting areas and loss of nests to natural flooding. The species prefers freshwater and salt marsh habitat and nests in loose colonies or singly.

Lark Buntings are threatened by intensive agricultural operations which alter or disturb nesting habitat. The species nests on ground, in grass, or near clump vegetation and prefers terrestrial habitats in cropland/hedgerow, desert, grassland/herbaceous, shrubland/chaparral.

Long-billed Curlews prefer terrestrial habitat consisting of grasslands/herbaceous, estuarine habitat(s), and palustrine habitat(s). The species prefers breeding in prairies and grassy meadows, generally near water.

No plant or fish 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.

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

Determination: No significant impact.

The construction of this wetland is for the benefit of existing wildlife, waterfowl resources, as well as a proposed trout fishery.

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 did not identify noxious weeds in the proposed project area. 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: No significant impact.

The State Historic Preservation Office was not contacted about this proposed project. The land has been historically used for pasture and crops and farming in the area would have already disturbed any historic sites. Since the property 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: No significant impact.

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

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.

1. 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:*

Secondary Impacts: **No impacts were identified.**

Cumulative Impacts: **No impacts were identified.**

3. *Describe any mitigation/stipulation measures:* **None**

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.

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: **Lindsay Arthur**

Title: **Water Resource Specialist**

Date: **2/27/2007**