

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:* **Conard F. & Nancy Stitzlein
4551 State Route 514
Glenmount, OH 44628**

Contact: **Richard W. Heard
PO Box 926
Columbus, MT 59019**
2. *Type of action:* **Change Application No. 43QJ 30025715**
3. *Water source name:* **Valley Creek**
4. *Location affected by project:* **The change will affect irrigated land in Section 2, Township 2 South, Range 22 East in Stillwater County.**
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The change application requests to add a Point of Diversion in the NW SW NW of Section 2, Township 2 South, Range 22 East in Stillwater County to water right 43QJ 7869. Then split the original water right into two equal rights to facilitate the division of the land. The DNRC will issue a change authorization only if all criteria for issuance under MCA 85-2-311 are met.
6. *Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)*
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

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: The irrigation under this water right was done with a water spreading system that diverted water from Valley Creek only during spring runoff periods or after high volume rain events. Valley Creek is not listed as a chronically or periodically dewatered stream by the DFWP. As long as the water right continues to be used in the way it has in the past it's not expected to worsen the water quantity situation in Valley Creek.

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: There should be no additional impact on water quality of Valley 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: This change application does not include a use of 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: The diversion works will include two pumps that can temporarily divert up to 300 gpm from Valley Creek out of existing pools in the creek along side the irrigated acres. The water will be pumped to gated pipe and wheel line sprinkler systems.

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: Because this land has been irrigated for some time and no new land is proposed to be irrigated, additional impacts to threatened or endangered species are not expected as a result of this change.

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: There are no wetlands in the project area.

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

Determination: There are no reservoirs involved with this 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: Because this change involves only a new place of diversion there is no potential for saline seep or soil stability problems on this historically irrigated land as a result of the change. No new acres will be irrigated and there will be no change in the flow and volume of this water right.

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 may be some impacts on vegetation due to the drilling and installation of the new diversion works but the disturbances should not be significant. It is expected that the land owner will take an active roll in preventing the spread and establishment of noxious weeds.

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

Determination: There is not expected to be any impacts on air quality due to this change.

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 Historic Preservation Office did not identify any archeological or historic sites of record in the proposed project area. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the 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: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Carbon County.

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: There should be no significant impacts on recreational or wilderness activities from this proposed use.

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

Determination: There should be no significant impact on human health from this proposed use.

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 significant 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:**

Secondary Impacts: **As long as the changed water rights are used in accordance to the stipulations on the existing water right there should be no secondary impacts due to this change.**

Cumulative Impacts: **As more development and division of existing water rights takes place more competition for the existing fresh water resources will occur.**

- 3. *Describe any mitigation/stipulation measures:* **The applicant is aware that he would be required to cease using water if this use is adversely impacting the rights of users with earlier priority dates.**
- 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:* **The preferred action will be to allow the applicant to change their existing water right and to add this new point of diversion. .**

The “no action” alternative would require the applicant to share the existing water right and the single point of diversion.

- 2. *Comments and Responses:* **None to report**

- 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: No significant environmental impacts were identified. No EIS is required.

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

Name: Tim Lewis

Title: Water Conservation Specialist

Date: July 23, 2007