

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:

Sawbuck Ranch LLP
PO BOX 878
Lincoln, MT 59639-0878

Consultant:

Montana Water Trust
Damon Pellicori
140 S. 4th Street West, Unit 1
Missoula, MT 59801

2. Type of action: CHANGE APPLICATION 76F-30031678 (76F-5351 & 76F 5354)

3. Water source name: Stonewall Creek

4. Location affected by project: Section 14 of Township 14 North, Range 8 West in Lewis and Clark County.

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

This change application is to convert two flood irrigation water rights into a temporary instream flow leases for 10 years in Stonewall Creek.

The DNRC shall issue an authorization to change the applicant if the criteria in 85-2-402, MCA and 85-2-408, MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

MT Natural Heritage Program - Species of Concern, T/E
MT DEQ - 2006 Montana Water Quality Integrated Report
MT DFWP - Montana Fisheries Information System

Part II. Environmental Review

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 negative impact expected. Stonewall Creek is not listed as chronically or periodically dewatered.

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.

Stonewall Creek is not listed as impaired or threatened in the 2006 303(d) Impaired Waters Index. Stonewall Creek is a small perennial tributary to Stonewall Creek that is tributary to the Blackfoot River. The Blackfoot River has a completed TMDL Assessment that lists the Biological health as good, Habitat as Fair and Physical/Chemical condition as Good.

For this EA Stonewall Creek will be considered as in the same condition or in better than the Blackfoot River. The proposed change should not negatively alter the water quality condition of Stonewall 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: No significant impact.

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 negative impact expected. The proposed change is designed to promote the health of the stream to benefit and improve existing fisheries.

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 negative impact. The MT Natural Heritage Program identified the Gray Wolf, Brewer's Sparrow, Bald Eagle, Bull Trout, Canada Lynx, Westslope Cutthroat Trout, Grizzly Bear, Wolverine, Fisher. While these species inhabit the area and are listed as

endangered or species of concern, the proposed change is not expected to have any impact on these species.

Gray Wolves can have large migratory ranges in the far northwestern North America and will move as required to remain with a prey item. They occur in terrestrial habitats consisting of alpine, deserts, forest, grasslands, savanna, shrubland/chaparral, tundra, and woodlands. They exhibit no habitat preferences. The degree of threat (B) includes extermination from large areas through trapping, shooting, poisoning, and reduction in prey populations. The Gray wolf is threatened by direct human-caused mortality and possibly habitat loss. Landscape changes from development loss may interfere with restoration in some areas. The threats to the northern Rocky Mountain wolf population have been reduced or eliminated as evidenced by the population exceeding the recovery goals each year since 2002 (USFWS 2006).

Brewer's Sparrow occurs in estuarine, palustrine, and terrestrial habitats. The long-billed Curlew utilizes prairies and grassy meadows for breeding habitat. Threats include extirpation from eastern U.S. prairie by cultivation of grasslands.

Bald Eagles are widespread throughout the U.S. and North America. Large numbers of the species occur in Alaska and British Columbia and are severely declining in the southern and eastern part of their range. Major threats to the species include habitat loss, disturbance by humans, biocide contamination, decreasing food supply, and illegal shooting (Evans 1982, Green 1985, Herkert 1992).

Bull Trout migrate from between spawning habitat and non-spawning habitat and migrate upstream to spawning areas in the fall. They prefer riverine (Big river, creek, or medium river), and lacustrine habitats. This species of fish occurs in the bottom of deep pools in cold rivers and large tributary streams, often in moderate to fast currents with temperatures of 45-50 degrees F; also cold water lakes and reservoirs. The degree of threat (B) includes hybridization with other species of introduced/non-native trout species, habitat loss or fragmentation, climate change (loss of cooler water temperatures/habitat) and drought, overharvest and illegal harvest.

Canada Lynx generally occurs in boreal and montane regions dominated by coniferous or mixed forest with thick undergrowth; may also enter open forest, rocky areas, and tundra to forage for abundant prey.

Westslope cutthroat trout migrate between upstream/spawning and lake /non-spawning and prefer riverine (creek and medium river) and lacustrine habitats. This species of fish occurs in small mountain streams, main rivers, and large natural lakes. The degree of threat (B) includes hybridization, loss/degradation of habitat from logging, road construction, mining and grazing. This species is sensitive to pollution and high turbidity/stream siltation. Dams, irrigation diversions, and other migratory barriers have degraded critical habitat and increased the already drastic levels of species fragmentation.

Grizzly Bears in Montana, grizzlies primarily use meadows, seeps, riparian zones, mixed shrub fields, closed timber, open timber, sidehill parks, snow chutes, and alpine slabrock habitats. Habitat use is highly variable between areas, seasons, local populations, and individuals (Servheen 1983, Craighead 1982, Aune 1984). Historically, the grizzly was primarily a plains species occurring in higher densities throughout most of eastern Montana.

Wolverines are limited to alpine tundra, and boreal and mountain forests (primarily coniferous) in the western mountains, especially large wilderness areas. However, dispersing individuals have been found far outside of usual habitats. They are usually in areas with snow on the ground in winter. Riparian areas may be important winter habitat. When inactive, wolverines

occupy dens in caves, rock crevices, under fallen trees, in thickets, or similar sites. Wolverines are primarily terrestrial but may climb trees.

Fishers occur primarily in dense coniferous or mixed forests, including early successional forests with dense overhead cover (Thomas et al. 1993). They commonly use hardwood stands in summer but prefer coniferous or mixed forests in winter and avoid open areas. Optimal conditions for fishers are forest tracts of 245 acres or more, interconnected with other large areas of suitable habitat. A dense understory of young conifers, shrubs, and herbaceous cover is important in summer.

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 negative impacts expected.

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

Determination: No significant impact. There will be no ponds involved with the proposed 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: 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. Since this change application is for the relocation of the water right and the proposed means of diversion and place of use are already complete, there would be minimal disturbance to soils. 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 as irrigated pasture land and cattle grazing. The area would have already disturbed any historic sites. The proposed change to a temporary instream flow to benefit the fisheries will not alter the area around Stonewall Creek.

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 negative impacts expected. The proposed change is designed to improve habitat that will likely increase the health of wildlife and water resources in the area.

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 negative impacts expected. The proposed change is designed to improve habitat that will likely increase the quality of recreation activities in the area.

Human health - Assess whether the proposed project impacts on human health.

Determination: No significant impact.

Private property - Assess whether there is 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 negative impacts expected.

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?* None

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 any other reasonable alternatives to the proposed change.

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:** The proposed change will likely improve the health of the natural environment and the quality of the out door recreation in the area.

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: Tim Lewis

Title: Water Resource Specialist

Date: 08/25/2008