

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: Circle B Ranches, LLC
8818 Stable Crest Blvd
Houston, TX 77024-7034
- 2. Type of action: Application to change water right # 41H-30052323
- 3. Water source name: West Gallatin River
- 4. Location affected by project: NESESE, Sec. 12, T1N, R3E, Gallatin County

The purpose of this change application is to change the point of diversion, place of use and method of irrigation for water right #41H-3420-00 from the Wright headgate, located in the SWNWNE, Sec. 19, T1N, R4E, Gallatin County. The new headgate will be located approximately two miles downstream in the NESESE, Sec. 12, T1N, R3E, Gallatin County. The new place of irrigation will be 24 acres in the E2SE, Sec. 12 and 30 acres in the NENE, Sec. 13, T1N, R3E, Gallatin County. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

- 5. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Dept. of Environmental Quality Website – Clean Water Act Information Center
MT National Heritage Program Website - Species of Concern
MT DFWP- Dewatered Streams List

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 impact identified.

The West Gallatin River is listed by the Montana Department of Fish, Wildlife and Parks as being chronically dewatered. This designation refers to a reduction in stream flow below the point where stream habitat is adequate for fish. The overall water use will not change, just the diversion location. No impact identified.

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 impact identified.

The West Gallatin River is listed on the DEQ, 303(d) as impaired. This designation defines a water body or stream segment for which sufficient credible data shows that the water body or stream segment is failing to achieve compliance with applicable WQS (Montana Water Quality Act; Section 75-5-103(11)). The proposed change will not negatively affect water quality. No impact identified.

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 identified.

This project is not for groundwater, and the irrigation method will not significantly impact 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 identified.

The proposed application is to change the point of diversion of water right #41H-3420-00 from the Wright headgate, located in the SWNWNE, Sec. 19, T1N, R4E, Gallatin County. The new headgate will be located two miles downstream in the NESESE, Sec. 12, T1N, R3E, Gallatin County. The water right owner will no longer use the Wright headgate, and the structure will continue to be available to other ditch users. The project change will not negatively impact stream channels, flow modifications, barriers, riparian areas, dams or wells.

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: The Montana Natural Heritage Program was contacted. The Veery (*Catharus fuscescens*) may be found near this area. No significant impact 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 impact identified.
No existing wetlands were identified.

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

Determination: No impact identified.
This project does not involve a pond.

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 impact identified.
There is no saline seep in this area.

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 impact identified.
The disturbed area from the new headgate will reclaim itself after construction. No impact identified.

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

Determination: No impact identified
There will be no significant impact to air quality from this development. No impact identified.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: NA-project not located on State or Federal Lands.

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 impact identified
No anticipated additional impacts.

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 impact identified

The proposed project is not inconsistent with locally adopted environmental plans and goals.

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 impact identified

This project is located on private property.

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

Determination: No impact identified.

No impact to human health expected.

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 impacts identified.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- | | |
|--|-----------------------|
| (a) <u>Cultural uniqueness and diversity?</u> | No impacts identified |
| (b) <u>Local and state tax base and tax revenues?</u> | No impacts identified |
| (c) <u>Existing land uses?</u> | No impacts identified |
| (d) <u>Quantity and distribution of employment?</u> | No impacts identified |
| (e) <u>Distribution and density of population and housing?</u> | No impacts identified |
| (f) <u>Demands for government services?</u> | No impacts identified |

- (g) Industrial and commercial activity? No impacts identified
- (h) Utilities? No impacts identified
- (i) Transportation? No impacts identified
- (j) Safety? No impacts identified
- (k) Other appropriate social and economic circumstances? No impacts identified

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts have been identified.

3. Describe any mitigation/stipulation measures: Mitigation or stipulations are not planned at this time.

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:

The no action alternative is the only alternative to the proposed action. Under the no action alternative, the applicant would be unable to obtain a change authorization for the proposed new diversion.

PART III. Conclusion

1. Preferred Alternative: The preferred alternative is the proposed alternative.

2. Comments and Responses None at this time.

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 reasonable alternatives identified.

None of the identified impacts for any of the alternatives is significant as defined in ARM 36.2.524.

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

Name: Porter Dassenko

Title: Water Resource Specialist

Date: 9/26/2012