EA Form R 1/2007

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

Applicant/Contact name and address: Blackfoot Challenge Inc.
405 Main Street
Ovando, MT 59854

1. Type of action: Application to Change a Water Right No. 76F 30048083

2. Water source name: Dick Creek

3. Location affected by project:

Project located approximately 4.8 miles north northeast of Ovando, Montana; more specifically in portions of Sections 2 and 11 in Township 15 North, Range 12 West, Powell County.

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

The change is intended to facilitate a new rest-rotation grazing system within the Blackfoot Challenge Conservation Area (BCAA). As part of the related riparian restoration project, the Applicant built a 2.5 mile livestock-exclusion fence alone the entire length of Dick Creek in 2010. Since livestock can no longer access the traditional water source area, the Applicant seeks to place two 1,000 gallon stockwater tanks in pastures adjacent to the creek. The Applicant historically diverted enough water to adequately serve one hundred (150) head of cattle (1.89 acre-feet) over a 137 day period and now proposes to divert water to serve one hundred and twenty (120) cow/calf pairs from the stock tanks for about four months/year (120 days) at varying times during the year. The Applicant proposes to add one point of diversion (NESESW Section 2 T15N R12W) and one place of use (NENWNW Section 10 T15N R12W) to the water right. A collection box will be installed at the proposed new point of diversion (NESESW) and deliver water through a 1.5" PVC pipeline at a rate of 10 GPM to the two off-stream stockwater tanks. The location of the second tank falls within an existing place of use and therefore, does not require additional changes to the existing water right.

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

Montana Natural Heritage Program
USDA Natural Resources Conservation Service (NRCS) Soils Data Website
Montana Dept. of Environmental Quality Website (TMDL 303d listing)
Montana Dept. of Fish, Wildlife & Parks Website (Montana Rivers Information System)
USDI National Wetlands Inventory Website
Montana Natural Resource Information 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: Dick Creek is identified as a chronically dewatered stream by DFWP. It is unlikely that the proposed project will worsen an already dewatered condition because the new consumptive use of water will not exceed the historic 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: According to Montana Department of Environmental Quality (DEQ), there has been no water quality analysis done on Breed 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: Minimal impacts to groundwater quality or supply are anticipated by the proposed new use of surface flows found in Dick Creek.

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: Water diverted from Dick Creek will be diverted from Dick Creek to the place of storage via approximately 2,200 feet of shallow buried 1.5" PVC pipe. The project development will create minimal if any impacts to stream channels, flow modifications, barriers, riparian areas and/or dams.

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: According to the information provided by the Montana Natural Heritage program, there are four mammal (Mammalia), four bird (Aves), and two fish (Actinopterygll) species of concern in the vicinity of the proposed project. The mammal species identified are: the Wolverine, Canada Lynx, Fisher and the Grizzly Bear. The bird species are: Common Loon, Lewis's Woodpecker, Long-billed Curlew and the Great Gray Owl. The fish species are Westslope Cutthroat Trout and Bull Trout. The following charts contain specific information about the identified species:

Species of Concern
10 Species
Filtered by the following criteria:
Township = 15 N Range = 12 W

MAMMALS (MAMMALIA) — *4 SPECIES* — *FILTERED BY THE FOLLOWING CRITERIA: TOWNSHIP = 15 N RANGE = 12 W*

SCIENTIFIC NAME / COMMON NAME / TAXA SORT	FAMILY (SCIENTIFIC) / FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	CFWCS TIER ID	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
Gulo gulo Wolverine	*Mustelidae* Weasels	G4	S3	C	SENSITIVE	SENSITIVE	2	0%	37%	Boreal Forest and Alpine Habitats
		Species verified in these Counties: Beaverhead, Broadwater, Carbon, Cascade, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Jefferson, Judith Basin, Lake, Lewis and Clark, Lincoln, Madison, Meagher, Mineral, Missoula, Park, Pondera, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet Grass, Teton, Wheatland								
Lynx canadensis Canada Lynx	*Felidae* Cats	G5	S3	LT	THREATENED	SPECIAL STATUS	1	1%	40%	Subalpine conifer forest
		Species verified in these Counties: Carbon, Flathead, Gallatin, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Missoula, Park, Pondera, Powell, Stillwater, Sweet Grass, Teton								
Martes pennanti Fisher	*Mustelidae* Weasels	G5	S3		SENSITIVE	SENSITIVE	2	1%	31%	Mixed conifer forests
		Species verified in these Counties: Beaverhead, Deer Lodge, Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Teton								
Ursus arctos Grizzly Bear	*Ursidae* Bears	G4	S2S3	LT,XN	THREATENED	SENSITIVE	1	1%	22%	Conifer forest
		Species verified in these Counties: Beaverhead, Carbon, Flathead, Gallatin, Glacier, Lake, Lewis and Clark, Lincoln, Madison, Missoula, Park, Pondera, Powell, Ravalli, Sanders, Stillwater, Sweet Grass, Teton								

BIRDS (AVES) — *4 SPECIES* — *FILTERED BY THE FOLLOWING CRITERIA: TOWNSHIP = 15 N RANGE = 12 W*

SCIENTIFIC NAME / COMMON NAME / TAXA SORT	FAMILY (SCIENTIFIC) / FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	CFWCS TIER ID	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
Gavia immer Common Loon	*Gaviidae* Loons	G5	S3B		SENSITIVE	SENSITIVE	1	1%	14%	Mountain lakes w/ emergent veg
		Species verified in these Counties: Flathead, Glacier, Lake, Lewis and Clark, Lincoln, Missoula, Powell, Sanders, Teton								
Melanerpes lewis Lewis's Woodpecker	*Picidae* Woodpeckers	G4	S2B				2	8%	78%	Riparian forest
		Species verified in these Counties: Cascade, Flathead, Lake, Lewis and Clark, Lincoln, Missoula, Powell, Sanders								
Numenius americanus Long-billed Curlew	*Scolopacidae* Sandpipers	G5	S3B			SENSITIVE	1	19%	100%	Grasslands
		Species verified in these Counties: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Gallatin, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Madison, McCone, Meagher, Missoula, Musselshell, Petroleum, Phillips, Powder River, Powell, Prairie, Ravalli, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone								
Strix nebulosa Great Gray Owl	*Strigidae* Owls	G5	S3			SENSITIVE	2	2%	46%	Conifer forest
		Species verified in these Counties: Beaverhead, Carbon, Deer Lodge, Flathead, Gallatin, Granite, Judith Basin, Lake, Lincoln, Meagher, Missoula, Park, Powell, Ravalli, Silver Bow, Teton, Wheatland								

FISH (ACTINOPTERYGII) — *2 SPECIES* — *FILTERED BY THE FOLLOWING CRITERIA: TOWNSHIP = 15 N RANGE = 12 W*

SCIENTIFIC NAME / COMMON NAME / TAXA SORT	FAMILY (SCIENTIFIC) / FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	CFWCS TIER ID	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
Oncorhynchus clarkii lewisi Westslope Cutthroat Trout	*Salmonidae* Trout	G4T3	S2		SENSITIVE	SENSITIVE	1		34%	Mountain streams, rivers, lakes
		Species verified in these Counties: Beaverhead, Broadwater, Carbon, Cascade, Chouteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Granite, Jefferson, Judith Basin, Lake, Lewis and Clark, Lincoln, Madison, Meagher, Mineral, Missoula, Park, Pondera, Powell, Ravalli, Sanders, Silver Bow, Sweet Grass, Teton, Wheatland								
Salvelinus confluentus Bull Trout	*Salmonidae* Trout	G4	S2	LT	THREATENED	SPECIAL STATUS	1	5%	18%	Mountain streams, rivers, lakes
		Species verified in these Counties: Deer Lodge, Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Powell, Ravalli, Sanders								

The proposed project is located in a sparsely populated area primarily composed of primarily forested pasture land, it is not anticipated that the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or the species of special concern identified. It is also not anticipated that the proposed project will create a barrier to the migration or movement of fish or wildlife.

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 identified from GIS mapping of the proposed project utilizing NWI data. Because there are no wetlands identified within the proposed project area, there are no impacts anticipated.

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

Determination: No ponds or reservoirs are associated with the proposed project therefore the assessment is not applicable.

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: Data from the NRCS soils website indicate one soil type within the proposed project area. The soil type is identified as Winfall gravelly loam, 2 to 8 percent slopes. Degradation of soil quality, alteration of soil stability or moisture content is expected to be minimal to non-existent. Saline seepage in the area does not appear to be problematic nor does the proposed project appear to worsen any saline seepage problems.

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: Minimal impacts to the existing vegetative cover are anticipated. It is the applicant's responsibility 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 deterioration of air quality or adverse effects on vegetation due to an increase in air pollutants is expected.

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 is 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 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: The project should have no significant or harmful impact on recreational or wilderness activities.

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

Determination: The development should 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: No adverse effect on private property rights is anticipated from this development.

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?*

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:*** 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:***

No action alternative:

The applicant would not be able to develop their project as proposed.

Alternative 1:

Approve the application if the applicant proves the statutory criterion has been met.

PART III. Conclusion

1. ***Preferred Alternative:*** Alternative 1.

2 ***Comments and Responses:*** None to date.

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 assessment for the proposed action as no significant impacts were identified.

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

Name: /s/ Kraig Van Voast
Title: Deputy Regional Manager
Date: February 6, 2013