

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:* Lee L. Gibbs  
2913 Horse Creek Rd  
Circle, MT 59215
2. *Type of action:* Application for Beneficial Water Use Permit NO. 40E 30066517
3. *Water source name:* Romine Coulee
4. *Location affected by project:* NWSWSE Section 30, T21N R44E, McCone County and  
SESW Section 30, T21N R44E, McCone County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
This project is for a dam placed on Romine Coulee to create a reservoir for the purpose of stock water. This application is to use 30.00 AF of water annually from January 1<sup>st</sup> to December 31<sup>st</sup>. The dam is 375 feet long and 15 feet high. It is 50 feet wide at the base and 20 feet wide at the top. There is 3 feet of free board when the reservoir is full and a 60 foot wide spillway. The reservoir capacity is 30.00 AF. The point of diversion is S2SESW Section 30, T21N R44E, McCone County and the place of use is NWSWSE Section 30, T21N R44E, McCone County and SESW Section 30, T21N R44E, McCone County.
6. *Agencies consulted during preparation of the Environmental Assessment:*  
Montana Natural Heritage Program  
Montana Department of Environmental Quality Website (TMDL 303d Listing)  
Wetlands Inventory  
U.S. Fish & Wildlife Service - Species Account

**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:* Neither Nelson Creek or its tributary Romine Coulee are identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks.

**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:* Nelson Creek is listed on the 2012 Montana 303d list as partially supporting aquatic life. The probable causes for the impairment are Alteration in stream-side or littoral vegetative covers, Cadmium, Copper, Nitrates, Nitrogen (Total), Phosphorus (Total), Sulfates and Total Dissolved Solids. Probable sources include grazing in riparian or shoreline zones and agriculture. Romine Coulee was not listed. Since this reservoir has been in place since prior to 1979, no significant impact should occur.

**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 surface water appropriation should have no significant impact on groundwater in the area.

**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 means of diversion is a dam which is 375 feet long and 15 feet high. It is 50 feet wide at the base and 20 feet wide at the top. There is 3 feet of free board when the reservoir is full. There is 60 foot wide spillway in place for times when the reservoir is full. Surface area was determined by the Department to be 7.5 acres and the maximum depth is 10 feet which gives a total reservoir capacity of 30.00 AF (adjusted for slope). This dam has been in place since prior to 1979 with no issues. The DNRC approves of this type of diversion and it is commonly used for reservoirs to supply stock water.

#### **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 Montana Natural Heritage Program website, the Bureau of Land Management (BLM) and the US Forest Service (USFS) lists the Greater Sage-Grouse as Sensitive and the US Fish and Wildlife Service (USFWS) lists the Greater Sage-Grouse as a

Candidate Species for protection. There are no federally listed plants species within the project area.

***Greater Sage-Grouse***

Sage-Grouse, not surprisingly, prefer Sagebrush habitat and are highly dependent on it for cover and food (U.S. Fish and Wildlife Endangered Species – Species Report). In June and July Sage-Grouse use sagebrush covered benches then when the forbs on the benches dry out they will move to greasewood bottoms. They will move back to sagebrush usually in late August or early September (Peterson 1969). Landcover is listed by USDA-NASS Cropland as Grassland herbaceous with area just below the gage listed as idle/fallow cropland. The National land cover data set lists it as Herbaceous. The U.S. Fish and Wildlife Endangered Species – Species Report states that Sage-Grouse are found at elevations ranging from 4,000 to over 9,000 feet. The digital elevation model (DEM) from Romine Coulee downstream to Nelson Creek until it flows into Fort Peck has elevations ranging from 2244 feet – 2828 feet. Therefore, this area does not appear to meet the preferred habitat requirements for Sage-Grouse. Since, the dam and reservoir have been in existence for over 30 years it should not have any adverse effect on the Sage-grouse population.

**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 known wetlands exist in the project area.

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

*Determination:* 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:* The dam and reservoir have been in place for over 30 years it is not anticipated that any degradation to soil quality, stability or moisture content will occur.

**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:* The reservoir is already established and has been in place since prior to 1979, therefore, the spread of noxious weeds will not increase. There should be no deterioration of air quality as a result of this appropriation.

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

*Determination:* This dam and reservoir, which has been in place for over 30 years, will not have an adverse effect on air quality.

**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:* This project is not located on Federal or State Trust Lands therefore this section is not applicable.

**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 local 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:* This project will have no impact on recreational or wilderness activities.

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

*Determination:* This project will have no impact on human health.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes \_\_\_ No  If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* There are no additional government regulatory impacts on private property rights associated with this application.

**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 No significant impact identified.

Cumulative Impacts No significant impact 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 applicant would not have a water right for his stock, but the dam and reservoir would still be in existence.

**PART III. Conclusion**

**1. Preferred Alternative** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

**2. Comments and 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:* No significant impacts have been identified, therefore and EIS is not necessary.

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

*Name:* Heather Harris

*Title:* Water Resource Specialist

*Date:* August 22, 2013

Peterson, J. G. 1970. The food habits and summer distribution of juvenile sage grouse in central Montana. *J. Wildl. Manage.* 34:147-155.