

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: Yellowstone Conservation District, 1371 Rimtop DR, Billings, MT 59105
2. Type of action: Application to change a water reservation 43Q 30066511
3. Water source name: Crooked Creek
4. Location affected by project: Section 1 and 12 T2N R27E, Section 7 T2N R28E, Yellowstone County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The producer (Mary Alice Piette) would divert water from Crooked Creek, a tributary to the Yellowstone River, at a rate of 0.22 CFS and a maximum volume of 15 AF/year to irrigate 5 acres agricultural land. The producer would add a pump in Crooked Creek linked directly to a sprinkler system. The benefit of the project would be to use a portion of the Yellowstone Conservation District water reservation and bring 5 acres of land into production. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
United States Fish and Wildlife Service, National Wetlands Inventory
Montana Natural Heritage Program
United States Department of Agriculture, National Resource Conservation Service

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 significant impact.

Crooked Creek is not listed by the Montana Department of Fish Wildlife and Parks as a dewatered stream.

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.

Crooked Creek is not listed as water quality impaired or threatened by the Montana Department of Environmental Quality.

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 impact.

The project is to use surface water for irrigation.

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.

The diversion is a pump in the creek immediately adjacent to the land to be irrigated. Irrigation is by a relatively effective sprinkler system. There are no dams or wells in the project.

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 significant impact.

The Bureau of Land Management lists the Greater Sage Grouse, Spiny Softshell, Milksnake and Sauger as sensitive species in the project area. The United States Forest Service lists only the Greater Sage Grouse. The Bald Eagle is a species of special status. There are no plant species of concern in the potentially affected area.

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 significant impact.

The wetlands in the area are rivers, streams and the associated riparian emergent occasionally flooded palustrine wetlands. All wetlands in the area are closely associated with streams. No water would be diverted from or discharged into wetlands.

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

Determination: Not applicable. There are no ponds associated with this application.

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.

The dominant soils are Haverson and Hysham loams consisting of fine sandy to clayey loams. Both are well drained, non-saline to very slightly saline and have slopes less than 4%.

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 area of this project has been used for agriculture in the past. The area is currently served by several roads and surrounded by active residential dwellings. Installation of the sprinkler systems, pipes and pumps may provide an opportunity for spread of weeds. It will be the responsibility of the property owner to monitor and control 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: No impact.

The project is to use surface water for irrigation.

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: Not applicable. The project is not located on State or Federal land.

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 other impacts recognized.

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 locally adopted environmental plans or 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.

The area is developed for residential and agricultural use. No recreational or wilderness areas are in the proposed project area.

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

Determination: No impact.

The project is for irrigation.

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: Not applicable.

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 secondary impacts are recognized as a result of this assessment.

Cumulative Impacts: There are no pending applications or non-perfected permits located in this area. No cumulative impacts are indicated.

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:* The only alternative to the proposed action is the no action alternative. The no action alternative would have no environmental impact but would preclude the benefit to the producer and the conservation district.

PART III. Conclusion

1. *Preferred Alternative:* Issue a change authorization if applicant proves the criteria in 85.2.402 MCA are met.

2. *Comments and Responses:* None

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 were recognized as a result of this assessment. Therefore an EIS is not required.

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

Name: Mark Elison

Title: Hydrologist/Specialist

Date: 11/29/2013