

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION
WATER RIGHTS BUREAU

ENVIRONMENTAL ASSESSMENT

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of action:** WATER RIGHT PERMIT APPLICATION NO.
76K-113065-00
2. **Applicant/Contact name and address:**
Barry L. & Nanette C. Johnson
307 Landmark Lane
Bigfork, MT 59911
3. **Water source name:** UT Bear Creek
4. **Location affected by action:** S2 SE NW, Section 25, Twp. 27N, Rge. 19W, Flathead Co.
5. **Narrative summary of the proposed project and action to be taken:** THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET. THIS APPLICATION IS TO USE 53 GPM UP TO 85.48 ACRE-FEET FOR A SERIES OF SIX FISHPONDS. THE PONDS WERE PREVIOUSLY DEVELOPED SO THIS APPLICATION DOES NOT INVOLVE PHYSICAL DEVELOPMENT OR DISTURBANCE TO THE PROJECT SITE. THE APPLICATION IS AN AFTER THE FACT ATTEMPT TO OBTAIN A LEGAL WATER RIGHT RECOGNIZED BY THE STATE OF MONTANA. A SITE VISIT CONCLUDED MORE ENVIRONMENTAL DAMAGE AND DISTURBANCE WOULD OCCUR BY REMOVAL OF THIS DEVELOPMENT THAN TO LEAVE IT IN ITS CURRENT STATE. THE FACTS IN THIS SITUATION ARE, THERE WILL BE NO FURTHER IMPACT TO THE PHYSICAL OR HUMAN ENVIRONMENT BY ATTEMPTING TO MAKE THIS USE OF WATER A LEGAL PROPERTY RIGHT.
6. **Agencies consulted during preparation of the environmental assessment:** PREVIOUS WATER USE APPLICATIONS IN THIS AREA AND WITHIN THIS SAME SECTION HAS CREATED NEED TO CONTACT THE NATURAL HERITAGE PROGRAM, THE STATE HISTORIC PRESERVATION OFFICE AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY. THE QUERIES RESULTED IN THE FACT NO KNOWN SPECIES (PLANT OR ANIMAL) OF SPECIAL CONCERN ARE FOUND TO BE WITHIN THE PROJECT AREA.

PART II. ENVIRONMENTAL REVIEW

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

Soils/Geologic Features:

Degradation of soil quality or alteration of soil stability, moisture content, geologic substructure, unique geologic features, archeological sites?

MINIMAL ALTERATION OF SOIL STABILITY AND MOISTURE CONTENT MOST LIKELY OCCURRED AT THE TIME OF CONSTRUCTION. WITH THE PROJECT HAVING BEEN IN PLACE FOR SEVERAL YEARS THERE ARE NO CURRENT IMPACTS.

Erosion:

Alteration of erosion or siltation patterns which modify stream beds or lake shores?

AT THE TIME OF DEVELOPMENT ALTERATION OF SILTATION PATTERNS MOST LIKELY OCCURRED; HOWEVER, THERE WILL BE NO CURRENT IMPACTS.

Vegetation/Noxious weeds:

Change in or adverse affect on diversity and production of local plant species including any unique or endangered species (including trees, shrubs, grass, and aquatic plants)? Establishment or spread of noxious weeds?

THERE ARE NO KNOWN SPECIES OF SPECIAL CONCERN NEAR THE PROJECT SITE.

Air:

Deterioration of air quality, or adverse effects on vegetation due to increased air pollutants.

NO

Water:

Alteration of surface water or groundwater quality including but not limited to temperature, dissolved oxygen or turbidity or quantity or distribution?

THE DISTRIBUTION OF SURFACE WATER WAS ALTERED WHEN THE PONDS WERE DEVELOPED. THERE IS NO CURRENT IMPACT DUE TO THE LENGTH OF TIME THE POND HAVE BEEN IN PLACE.

Floodplain:

Changes in drainage patterns, course or magnitude of flood flows, or exposure of people/property to hazards (flood)?

THE PONDS HAVE MOST LIKELY MITIGATED FLOOD POTENTIAL SINCE THERE DEVELOPMENT.

Wildlife Habitat/Migration:

Deterioration of critical fish or wildlife habitat? Creation of a barrier to the migration or movement of fish or wildlife?

FROM THE SITE VISIT IT IS DOUBTFUL THERE WERE IMPACTS AT THE TIME OF DEVELOPMENT SINCE THE AREA IS NOT CONSIDERED CRITICAL FISH OR WILDLIFE HABITAT.

Endangered Species:

Adverse effects on any unique or endangered species?

NONE WERE LOCATED ON OR NEAR THE APPLICANTS PROPERTY.

HUMAN ENVIRONMENT

Existing Land Use:

Alteration of or interference with the productivity or profitability of the existing land use of an area?

THE EXISTING LAND USE IS PRIVATE PROPERTY AND THE DEVELOPMENT MOST LIKELY INCREASED THE VALUE OF THE APPLICANTS PROPERTY.

Historical Significance:

Destruction or alteration of a natural area of scientific or educational value or prehistoric or paleontological importance?

THERE ARE NO KNOWN HISTORICAL SITES IN THE AREA.

Populace:

Alteration of the location, distribution, density, or growth rate of the human population of an area? Alteration of social structure of community?

NO

Transportation:

Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?

NO

Safety:

Creation of any health hazard or affect on existing emergency response or evacuation plans?

NO

Public Services:

Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? Have an effect upon local or state tax base?

NO

Utilities:

Creates need for new or altered facilities for any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

NO

Aesthetics:

Alteration of any scenic vista or recreation opportunity or creation of an aesthetically offensive site to the public?

AESTHETICS HAS BEEN ENHANCED.

Other:

NO

2. **Secondary and cumulative impacts:** NONE

3. **Reasonable alternatives to the proposed action, including the no action alternative:** NO IMPACTS HAVE BEEN IDENTIFIED. IF THE USE OF THE THIS WATER WERE NOT APPROVED THE APPLICANTS USE OF THIS WATER WOULD NOT BE RECOGNIZED AS A LEGAL PROPERTY RIGHT.

PART III. CONCLUSION

Based on the significance criteria evaluated in this EA, is an EIS required? NO

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

AN EA IS ADEQUATE FOR THIS ACTION. THERE WILL BE NO SIGNIFICANT IMPACTS, THEREFORE, NO EIS IS REQUIRED.

PREPARED BY:

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TITLE: WATER RESOURCES SPECIALIST
DATE: [Automatic date code removed]