

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Revised 10-00

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. **Applicant/Contact name and address: VALLEY WEST LLC
C/O JERRY WING
1240 BENNETT LN.
CALISTOGA, CA. 94515**
2. **Type of action: APPLICATION FOR BENEFICIAL WATER USE PERMIT #111626-41H**
3. **Water source name: UNNAMED TRIBUTARY TO BAXTER CREEK**
4. **Location affected by action: S2S2NW SEC 10 T2S R5E, GALLATIN COUNTY.**
5. **Narrative summary of the proposed project and action to be taken: THE APPLICANT PROPOSES TO DIVERT 113 GPM UP TO 182.27 ACRE-FEET PER YEAR FROM AN UNNAMED TRIBUTARY TO BAXTER CREEK. THE WATER WILL BE RUN INTO A NEW 15 ACRE FOOT POND. THIS POND WILL BE 5 SURFACE ACRES, AND 6 FEET DEEP. THIS POND MUST BE CONSTRUCTED TO MITIGATE THE LOSS OF OTHER WETLANDS WITHIN THIS PROPOSED SUBDIVISION. THE POND WILL BE USED BY WATERFOWL AND WILDLIFE. IT WILL ALSO BE USED FOR RECREATIONAL PURPOSES. THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET.**
6. **Agencies consulted during preparation of the Environmental Assessment:
STATE HISTORIC PRESERVATION OFFICE
DEPT. OF FISH, WILDLIFE & PARKS
MT. NATURAL HERITAGE PROGRAM
GALLATIN COUNTY PLANNING OFFICE
ARMY CORPS OF ENGINEERS**

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: THE SOURCE OF WATER IS AN UNNAMED TRIBUTARY TO BAXTER CREEK. BAXTER CREEK IS NOT LISTED AS CHRONICALLY OR PERIODICALLY DEWATERED BY DFWP.

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: BAXTER CREEK, OR THIS UNNAMED TRIBUTARY TO BAXTER CREEK ARE NOT LISTED ON THE DEQ, 303(d) LIST AS IMPAIRED OR THREATENED STREAMS. WATER QUALITY WILL NOT BE IMPACTED BY DIVERTING 113 GPM (11% OF THE LOW WINTER FLOW) INTO THIS POND. THE WATER WILL BE IMMEDIATELY RETURNED TO THE SOURCE.

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 USE OF SURFACE WATER WILL HAVE NO IMPACT ON GROUNDWATER.

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: A WATERMAN CL-10 CANAL GATE WILL BE USED TO DIVERT WATER THRU A 12" DIAMETER PIPELINE TO THE POND. THE POND WILL BE CONSTRUCTED WITH WETLAND BENCHES, AS A SHALLOW WATERFOWL/WILDLIFE & RECREATION POND. WATER WILL BE RETURNED TO THE SOURCE THRU A 12" OUTFLOW PIPE. THERE WILL BE NO BARRIERS IN THE CREEK CHANNEL.

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, AND NO ENDANGERED OR THREATENED FISH, WILDLIFE, PLANTS OR AQUATIC SPECIES ARE FOUND IN THE LOCATION OF THE PROPOSED POND. NO BARRIER OR DAM WILL BE USED TO DIVERT WATER INTO THE POND. MIGRATION OF FISH OR WILDLIFE WILL NOT BE IMPEDED.

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: THE POND WILL BE CONSTRUCTED IN AN EXISTING HAY MEADOW. THE POND IS BEING BUILT TO MITIGATE THE LOSS OF OTHER WETLANDS WITHIN THIS PROPOSED SUBDIVISION, AS REQUIRED BY THE ARMY CORPS. OF ENGINEERS. THIS POND IS INTENDED TO ENHANCE THE WETLANDS IN THE AREA.

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

Determination: PAT BYORTH, MDFWP, WAS CONTACTED. HE STATED THAT THIS SOURCE SUPPORTS A POPULATION OF BROOK TROUT. HE IS NOT CONCERNED ABOUT THE AMOUNT OF WATER BEING DIVERTED INTO THE POND. NO IMPACTS ARE ANTICIPATED TO THE EXISTING FISHERY. ADDITIONAL WATERFOWL HABITATE WILL BE MADE AVAILABLE.

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: AN ONSITE INSPECTION FOUND NO EVIDENCE OF SALINE SEEP NEAR THE PROPOSED POND LOCATION. THERE SHOULD BE NO SIGNIFICANT IMPACT ON SOIL QUALITY OR STABILITY. THE WATER LEVEL OF THE POND WILL BE THE SAME AS THE HIGH GROUND WATER TABLE, THEREFORE SOIL MOISTURE CONTENT SHOULD REMAIN UNCHANGED.

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 EXISTING VEGETATIVE COVER WILL BE DISTURBED DUE TO CONSTRUCTION OF THE POND. THE EXPOSED SOIL COULD CONTRIBUTE TO THE ESTABLISHMENT OF NOXIOUS WEEDS IN THE DISTURBED AREAS. IT IS EXPECTED THAT THE DEVELOPER WILL REPLANT THE DISTURBED AREA. THIS PROJECT IS LOCATED ON PRIVATE LAND AND WEED CONTROL IS THE RESPONSIBILITY OF THE LANDOWNER.

Air quality

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

Determination: THERE SHOULD BE NO SIGNIFICANT IMPACT ON AIR QUALITY RELATING TO THIS NEW WILDLIFE POND.

Historical and archeological sites

Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: SHPO WAS CONTACTED. NO PREVIOUSLY RECORDED CULTURAL PROPERTIES EXIST IN THE PROJECT AREA. BECAUSE AN INVENTORY HAS NOT BEEN DONE, THEY RECOMMEND THAT ONE BE DONE PRIOR TO PROJECT INITIATION. THIS MAY BE INITIATED AT THE LANDOWNERS DISCRETION, SINCE THE PROJECT IS ON PRIVATE 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 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: THE GALLATIN COUNTY PLANNING BOARD INDICATED THAT THEY HAVE NO RESTRICTIONS AGAINST PONDS, OR WETLANDS.

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 PROPOSED PROJECT IS ON PRIVATE LAND, WITH NO ACCESS TO PUBLIC RECREATIONAL OR WILDERNESS ACTIVITIES. THEREFORE, NO IMPACT IS EXPECTED.

Human health

Assess whether the proposed project impacts on human health.

Determination: THIS PROJECT SHOULD NOT HAVE AN IMPACT ON HUMAN HEALTH.

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 IMPACT
- (b) Local and state tax base and tax revenues ? NO IMPACT

- (c) Existing land uses ? NO IMPACT
- (d) Quantity and distribution of employment ? NO IMPACT
- (e) Distribution and density of population and housing ? NO IMPACT
- (f) Demands for government services ? NO IMPACT
- (g) Industrial and commercial activity ? NO IMPACT
- (h) Utilities ? NO IMPACT
- (i) Transportation ? NO IMPACT
- (j) Safety ? NO IMPACT
- (k) Other appropriate social and economic circumstances ? NO IMPACT

2. **Secondary and cumulative impacts on the physical environment and human population: IF THE WATER BECOMES STAGNANT, MOSQUITOS COULD BECOME A PROBLEM. A WATER TREATMENT FACILITY MAY NEED TO BE DEVELOPED TO CLEAN THE WATER AND REMOVE THE MOSS, AND WEEDS.**

3. **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: THIS WETLAND POND IS REQUIRED BY THE ARMY CORP OF ENGINEERS. IF THE SUBDIVISION IS TO BE DEVELOPED A POND IS REQUIRED, IF THE WETLAND LOSS IS NOT MITIGATED THE SUBDIVISION CAN NOT PROCEED. A GROUNDWATER POND COULD BE CONSTRUCTED.**

PART III. Conclusion

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:

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

Name: JAN R. MACK
 Title: WATER RESOURCES SPECIALIST
 Date: DECEMBER 11, 2000

Name:
 Title:
 Date: