

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

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:* John R. & Carol C. Brooks
14505 White Loon Pass
Roanoke, In. 46783
2. *Type of action:* Application to Change A Water Right # 30008035-41F
3. *Water source name:* South Fork Hot Springs Creek
4. *Location affected by project:* SW Sec 26 T3S R2W, Madison County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Historically up to 700 beef cattle watered directly from the South Fork Hot springs Creek, in the N2SW Sec 26 T3S R2W, Madison County. Currently that number has been reduced to 270 animal units. A total of 7.38 GPM, up to 4.99 acre feet was use from June 1 to November 1st. This change proposes to divert 4.53 GPM up to 0.42 acre feet into a recreational cabin for domestic use. The period of appropriation remains unchanged. The DNRC shall issue an Authorization to Change, if the applicant proves that the Criteria in, MCA # 85-2-402, are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction) Montana Department of Fish, Wildlife & Parks, Montana Department of Environmental Quality, Montana State Historical Preservation Office, Montana Natural Heritage Program, Madison County Planning Office.

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

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 the South Fork Hot Springs Creek, which is not listed as chronically or periodically dewatered by the MDFWP.

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: The South Fork Hot Springs Creek is not listed on the DEQ, 303(d) list. Hot Springs Creek is listed on the 303(d) list. This project is located upstream 2 miles from where Hot Springs Creek starts, and should have no significant impact on the 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: 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: An infiltration gallery will be set in the creek. Water will be gravity feed to the cabin. This system should not create channel impacts, flow modifications, or barriers.

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. They identified an Agapetus Caddisfly near this project. This project should not impact this species.

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: Any existing wetlands should not be impacted.

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

Determination: This project does not involve a pond.

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: This area is unlikely to have saline seep. There should be no significant impact on soil quality or stability.

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: Existing vegetative cover will be disturbed during construction of the cabin, and waterline. It is the responsibility of the landowner to replant the disturbed areas.

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 project.

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. According to their records, there have been no previously recorded historical or archaeological sites within the designated search locale. They do not recommend a cultural resource inventory at this time.

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 impact 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 Madison County Planning Board has no restrictions against using surface water for individual domestic purposes.

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 is located 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 any 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: Private property rights are not impacted by this proposed action.

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:*

Secondary Impacts, No secondary impacts have been identified.

Cumulative Impacts, No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** Mitigation or stipulations are not planned at this time.

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:*** They may be able to drill a well to supply water. It is unknown if power is available in this area. If power is not available a wind pump, or generator may be used. They could file for a new water right, since domestic use is open in the Upper Missouri, and Madison River basin closure.

PART III. Conclusion

1. ***Preferred Alternative*** Either file a Change, or file for a new water right would be preferred over drilling a well.

2. ***Comments and Responses*** No comments have been received at this time.

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: Significant impacts have not been identified. The EA is the appropriate level of action for this project.

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

Name: Jan R. Mack

Title: Water Resources Specialist

Date: June 14, 2004