

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: **Rock Creek Cattle Co LTD
% Fidelity National Financial
601 Riverside Ave 12th Floor
Jacksonville FL 32204-2950**
2. Type of action: **Application to Change a Water Right No 30018567- 76G
(Statements of Claim No 91674, 91681, 91709, 91716, 91717,
91718, 91719, 91720, 91721, 91722, 91723, 91724, and 211119-76G)**
3. Water source name: **Rock Creek**
4. Location affected by action: **SENENW, Sec 9, Twp 8N, Rge 10W, Powell Co.
W2W2NW, Sec 3, Twp 8N, Rge 10W, Powell Co. (New Reservoir Site)**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:
This application is changing a portion of historic water rights. The application proposes to add points of diversion on water rights as necessary to include the Brand headgate and ditch. The additional points of diversion would be necessary because the Brand headgate and ditch will be used to divert and convey water to the new storage reservoir.

The proposed new reservoir is to be constructed in the W2W2 of Sec 3, Twp 8N, Rge 10W, Powell Co. Water from Rock Creek Lake will be turned out into Rock Creek and conveyed to the Brand ditch where it will be conveyed to the new storage reservoir also known as Bill's Pond. Water stored in Bill's Pond will be used to provide irrigation water to the golf course.

The proposed change in place of use will be approximately an acre for acre exchange. 138.6 acres will be removed from irrigation in Sec 33, Twp 9N, Rge 10W and used for irrigation of the golf course. The proposed new place of use will be 135.4 acres in Secs 2 & 3, Twp 8N, Rge 10W, and Secs 34 & 35, Twp 9N, Rge 10W, all in Powell County.

The DNRC shall issue an Authorization to Change if the criteria in 85-2-402, MCA are met.

Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

**Rock Creek Cattle Co LTD - Home Ranch Development Preliminary Plat Environmental Assessment – See file for contributors.
Montana Department of Fish Wildlife and Parks**

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.**

The total length of Rock Creek is 18.7 miles. According to DFWP, the stream is chronically dewatered from the mouth to river mile 10.5. Chronic dewatering is a significant problem in virtually all years. This project should not have any affect on the dewatered condition. No additional water will be used for this project.

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.**

DFWP shows the creek has a chronic dewatering problem. However, Rock Creek is not listed as an impaired or threatened water body in need of Water Quality Restoration. The proposed project should not have any affect on water quality. No additional water will be used for this project.

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 significant impact.**

The source of water for this change authorization is Rock Creek.

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 proposed change will divert water from the existing Brand ditch point of diversion on Rock Creek. The water will be conveyed and stored in a new reservoir for irrigation of the golf course as needed. Since the headgate exists, the proposed project will not impact well construction, dams, riparian areas, barriers, flow modifications or channel impact.

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.**

According to information from the Montana Natural Heritage Program, there is one vascular plant of special concern in the vicinity. Information during reconnaissance conducted for Rock Creek Cattle found no Carex idahoensis or Idaho Sedge present within the phase 1 development area. Refer to the environmental assessment for Rock Creek Cattle contained in the application file.

Four vertebrate animal species of special concern are in the vicinity, although not in the phase 1 development area. Three belong to the bird family and are as follows: Accipiter gentilis or Northern Goshawk, Otus flammeolus or Flammulated Owl and the Dolichonyx oryzivorus or Bobolink. The Lynx Canadensis or Lynx is a species of special concern from the cat family. This project should not have an impact to any threatened or endangered species or species of special concern.

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.**

This change does not involve a functional wetland.

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

Determination: **No significant impact.**

A proposed new reservoir would be constructed for this project. The reservoir would be constructed in the W2W2NW of Sec 3, Twp 8 North, Rge 10 West in Powell County. The purpose of the reservoir would be to provide irrigation water to the new place of use. The top of the dam would have an elevation of 4,974 feet. The dam would have a surface area of 1.92 acres and a total storage capacity of 17.7 acre-feet. The reservoir would be filled from Rock Creek using the existing Brand headgate and ditch.

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.**

Most of the development consists of a layer of glacial till. The till consists of cobble to boulder-size fragments within a clay-silt pattern. This material provides a stable base for building foundations and construction requirements. This project should not cause a degradation of soil quality, alteration of soil stability or moisture content. Saline seep should not be a concern.

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.**

In the areas of construction the native plants and topsoil will be stripped and stockpiled for reclamation. Following construction of each element of the project the native topsoil

and vegetation will be replaced as soon as it is feasible to do so. Watering as necessary will be done to promote re-growth.

There is an on-going noxious weed control program currently in place being administered by Trout Headwaters Inc. The patches of infestations of spotted knapweed will be treated before, during and after construction. The landowner is responsible for controlling any noxious weeds on the property.

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

Determination: **No significant impact.**

During the construction phase of the proposed project there may be a deterioration of air quality. This should be a temporary change and not have a lasting impact on the air quality in the area.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant impact.**

The Grant-Kohrs National Historic Site is located immediately southwest of the Rock Creek Cattle Co ranch. The Grant-Kohrs ranch is a unit of the National Park System. The land surrounding the historic ranch retains a high degree of historic and scenic integrity. In other words, it remains virtually unchanged from the 1800's. It is important to the parks general management plan to preserve the view shed surrounding the Grant-Kohrs ranch. In order for the applicants to attain the density desired within the Planned Unit Development (PUD) area, 8000 acres of permanent open space must be provided within the confines of the designated PUD area. The PUD is being developed in phases and the designation of the required open space will be done in phases as well. Within Phase I there exists no cultural, historical or archaeological items, sites or structures of significance.

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 significant environmental impacts have been identified at this time.**

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant impact.**

The property is within the jurisdiction of Powell County. The Powell Comprehensive Plan and Growth Policy, the Powell County Zoning and Development Regulations and the Powell County Subdivision Regulations govern the proposed development. The ranch properties are in Planning/Zoning #4. The owner of the ranch has secured a PUD designed for approximately 8,200 acres of the ranch. Approximately 390 acres will be devoted to golf course use, 300 acres in platted residential lots and 15-20 acres

committed to private roads. By putting all development in a group, approximately 8,000 acres (including the golf course) remains in undeveloped open space.

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 significant impact.**

The proposed project would not impact access to or the quality of recreational and wilderness activities. To mitigate potential wildlife impacts the covenants will restrict the use of development areas for livestock, prohibit free-roaming pets, and the feeding and hunting of wildlife on site. The grouping of the development will also minimize impacts to big game travel corridors. Wetland and stream bank areas will be left undisturbed. This will enhance waterfowl and songbird nesting areas. The intent of the development will be to maintain and preserve the existing ecosystem.

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

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

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

Yes ___ No **X**

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? **The impacts are unknown at this time.**
- (c) Existing land uses? **The existing land use is agriculture. This proposed project would remove a portion of the water from some historic rights from irrigation for hay land and grazing and use them for irrigation of a golf course.**
- (d) Quantity and distribution of employment? **The impacts are unknown at this time.**
- (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. Qwest and NorthWestern Energy will provide the utilities for telephone, electricity, and natural gas.**
- (i) Transportation? **The impacts are unknown at this time.**
- (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: A golf course must be kept very green and weed free. The use of fertilizers and pesticides will no doubt play a part. The use of these chemicals may have an affect on water quality due to runoff. The part chemicals play and their residual affects will depend on the application and the type. Other secondary impacts are essentially unknown at this time.

Cumulative Impacts: The cumulative impacts for this project are essentially unknown at this time. There are no other projects of this type in surrounding areas.

3. Describe any mitigation/stipulation measures: **There has not been any discussion about mitigation or stipulation measures 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: **The no action alternative would negate the golf course. The water would continue to be used for irrigation of hay land and pasture as it has in the past.**

PART III. Conclusion

1. Preferred Alternative: **Issue the change as applied for by the applicant, or in some modified form considered reasonable.**
2. Comments and Responses: **There have been no comments to this environmental assessment 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: **No significant environmental impacts were identified. An environmental assessment is the appropriate level of analysis for this proposed action.**

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

Name: Kathy Arndt
Title: Water Resources Specialist
Date: February 27, 2006