

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:* Gary H & L Quida Harding
30700 Yaak River Road
Troy, MT 59935
2. *Type of action:* Provisional Permit to Appropriate Water 76B-30025685
3. *Water source name:* Yaak River
4. *Location affected by action:* NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 36N, Range 32W, Lincoln Co.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicant is seeking a water use permit for the purpose of irrigating 10 acres of cropland and stock water for a total of 15-animal units. Field irrigation will be accomplished via a 2-inch Polyethylene (PE) pipe connected to a 10.5 horsepower Goulds GP 3656 M&L end suction pump. The capacity of the pump is 95-gpm and will intake water from the Yaak River. The irrigation of cropland and establishing a legal water right will add value to the property that will benefit the appropriator.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish, Wildlife & Parks

Part II. Environmental Review

1. Environmental Impact Checklist:

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| <h2>PHYSICAL ENVIRONMENT</h2> |
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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: Yaak River is not listed as chronically or periodically dewatered.

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: Yaak River, has not been assessed and is not listed on the Montana 303(d) list.

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: The project is for the use of surface water only. There will be no impact to 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: The diversion works will require approval from other permitting agencies. The applicant will need to work with the Lincoln County Conservation District to mitigate any impacts the diversion works may cause.

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: Fish, Wildlife & Parks will identify mitigation techniques to reduce impacts from this project through their role with a 310-permit application with the Lincoln County Conservation District. A Species of Concern Report found 7-species in the area. Because of aquatic needs two species potentially at risk from this development are the Westslope Cutthroat Trout and Columbia River Redband Trout. A screened intake may reduce potential impacts.

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: Disturbance of a wetland requires a 404 permit from the Army Corps of Engineers. Mitigation, if necessary, would be in accordance with wetland protection laws implemented through 404 permit regulations and requirements.

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

Determination: No ponds are involved with this development.

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: Saline seep isn't a problem as demonstrated by irrigated land in the immediate area.

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: It is the responsibility of the property owner to control noxious weeds on their property. Cultivation and irrigation will be a deterrent to the establishment of 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 is anticipated.

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

Determination: The decision to carry out a cultural resource inventory would be at the discretion of the landowner since it is private property. Previous cultural material finds from this area have been inventoried during earlier investigations. Information provided by Mark D Harding.

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: None

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 project is for irrigation on 10-acres. A detailed analysis involving physical water availability, legal water availability, legal water rights and adverse affect to prior water users is completed by this agency. The Department of Fish, Wildlife & Parks assists the Lincoln County Conservation District with 310 permit provisions. The Department of Environmental Quality and the U.S. Army Corps of Engineers further assure all work is consistent with their environmental concerns. If all permits are issued, and conditions followed, the project will be consistent with environmental plans and 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: There will be no impact to the quality of recreation or wilderness activities, nor will access be denied to any established recreation areas.

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

Determination: No impact is anticipated.

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: No impact.

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
- (b) Local and state tax base and tax revenues? No
- (c) Existing land uses? No
- (d) Quantity and distribution of employment? No
- (e) Distribution and density of population and housing? No
- (f) Demands for government services? No

(g) Industrial and commercial activity? No

(h) Utilities? No

(i) Transportation? No

(j) Safety? No

(k) Other appropriate social and economic circumstances? No

2. ***Secondary and cumulative impacts on the physical environment and human population:*** The total maximum daily load of pollution that a water body can handle is referred to as "TMDL Plans". As appropriations of water continue the dilution factor will weaken the current TMDL capability of the Yaak River.
3. ***Describe any mitigation/stipulation measures:*** The intake design may require a fish screen through the 310-permit process.
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:*** No action would mean the property will not be irrigated. No reasonable alternatives exist.

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: No significant impacts have been identified; therefore, no EIS is necessary.

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

Name: Rich Russell

Title: Water Resources Specialist

Date: January 16, 2007