

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: Darrell G. & Linda L. Holmquist
2387 Nye Road
Nye, MT 59061
2. Type of action: Application for Beneficial Water Use Permit No. 43C 30024086
3. Water source name: Stillwater River
4. Location affected by project: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T5S, R15E and
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T5S, R15E, Stillwater County.
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. This application is for a flow through lawn and garden, fire control and suppression, fish pond approximately 0.68 acre-feet in size using a flow rate of 2 cfs and a maximum flow through volume of 138 acre-feet per year. The source of water is to be the Stillwater River
6. Agencies consulted during preparation of the Environmental Assessment:
(Include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)
Stillwater 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: This stretch of the Stillwater River is not on the MFWP list of chronically or periodically dewatered streams. The proposed project is to be a flow-through pond. The proposed project should not worsen the stream condition.

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: This stretch of the Stillwater River is not on the MDEQ list of water quality impaired or threatened streams. This proposed uses should have no significant impact on water quality issues in the area

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 proposed use of water should have no significant impact on groundwater quality or quantity in the area.

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 applicant proposes to use an existing head gate and ditch from the proposed point of diversion and will impound approximately 0.68 acre-feet of water. There is a check gate on the main ditch which can be shut off if a call for water is made. He is proposing to use the flow-through reservoir for lawn and garden, fire suppression and a fishery. This proposed diversion, its construction and operation should not have significant impacts on the channel, historic flows, barriers, riparian areas, dams or well construction.

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 has identified five endangered species or species of special concern and one ecological site report within this proposed project area. The species are the Brewer's Sparrow, Small Yellow Lady's-slipper, Canada Lynx, Uinta Chipmunk, and Peregrine Falcon. The ecological site is the Stillwater River-Flume Creek. It is not expected that this proposed development will adversely impact any species or the ecological site.

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: This area does not appear to be a wetland area, so there should be no significant impacts. The proposed use may actually enhance wetlands.

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

Determination: This proposed pond should enhance the wildlife and waterfowl resources in the area. There should be no significant impacts on fisheries from this proposed use.

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 proposed use should not degrade soil quality or cause saline seep problems in the area. The pond could cause some water to seep in areas where there was no previous seepage, but it is not expected that saline seep will occur.

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: There will be much soil disturbance during construction of this proposed project and there will be a possibility of some noxious weeds spread and establishment. It is expected that the landowner will control the spread of noxious weeds on his property.

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 deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this proposed 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: The Montana Historic Preservation Office identified 17 archeological or historic sites and six previous inventories of record in the proposed project area. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the

area, but a cultural resource inventory has been recommended for this site by the Montana Historical Society.

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: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

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

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Stillwater County.

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 should be no significant impacts on recreational or wilderness activities from this proposed use.

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

Determination: There should be no significant impact on human health from this proposed use.

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 significant 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 significant impact
- (b) *Local and state tax base and tax revenues?* No significant impact
- (c) *Existing land uses?* No significant impact
- (d) *Quantity and distribution of employment?* No significant impact

- (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
- (i) Transportation? **No significant impact**
- (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 The use of this water for the proposed purposes should not impact water users downstream of the pond.

Cumulative Impacts As more development takes place in this area, there could be more demands for water for recreation, irrigation, and other uses.

- 3. *Describe any mitigation/stipulation measures:*** The applicant is aware that he would be required to cease using water if the use of the water is adversely impacting the rights of downstream users.
- 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 Holmquist's could drill wells to supply the amount of water they wish to have for the proposed uses. This would be very costly and it is questionable whether the water would be available in the amount and quality requested.
- 5.**

PART III. Conclusion

- 1. *1. Preferred Alternative*** The preferred alternative would be to allow the use of the water from the Stillwater River with the condition that the water rights of senior water users would not be adversely impacted.
- 2 *Comments and Responses*** None to report
- 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:

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

Name: Christine Smith

Title: Water Resource Specialist

Date: February 28, 2007