

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:* SUNNYSIDE ORCHARDS, LLC
PO BOX 1060
CORVALLIS, MT 59828

2. *Type of action:* WATER USE PERMIT APPLICATION 76H-30027258

3. *Water source name:* GROUNDWATER

4. *Location affected by project:* E2 SECTION 36, T10N, R20W AND
W2 SECTION 31, T10N, R19W, RAVALLI CO.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THIS PERMIT APPLICATION IS A REQUEST TO USE GROUNDWATER FROM FOUR MANIFOLD WELLS TO SUPPLY THE COMMUNITY WATER SUPPLY FOR THE PROPOSED LEGACY RANCH SUBDIVISION IN RAVALLI COUNTY. WATER FROM THE WELLS WOULD BE DIVERTED AT A MAXIMUM COMBINED FLOW RATE OF 724 GPM WITH AN ANNUAL VOLUME OF 409 ACRE-FEET. WATER WILL BE USED FOR MULTIPLE DOMESTIC, INCLUDING SINGLE FAMILY RESIDENCES, LIGHT COMMERCIAL AND CONDOMINIUMS AND FOR LAWN AND GARDEN IRRIGATION. THE DEVELOPMENT WILL CONSIST OF 640 SEPARATE WATER USE CONNECTIONS.

IMPACTS CONSIDERED IN THIS DOCUMENT ARE LIMITED TO THOSE RELATED TO THE USE OF GROUNDWATER FOR THE PROPOSED COMMUNITY WATER SUPPLY. AN ENVIRONMENTAL ASSESSMENT HAS BEEN COMPLETED BY THE DEVELOPER AND IS ON FILE WITH THE RAVALLI COUNTY PLANNING OFFICE. A COPY OF THE DEVELOPERS ENVIRONMENTAL ASSESSMENT IS IN THE WATER RIGHT APPLICATION FILE.

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:*
(include agencies with overlapping jurisdiction)

NRIS WEBSITE FOR WATER AND NOXIOUS WEED INFORMATION

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 IMPACTS.

SEE GROUNDWATER SECTION BELOW. SEE LEGACY RANCH EA.

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 IMPACTS.

SEE GROUNDWATER SECTION BELOW. SEE LEGACY RANCH EA.

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 IMPACTS.

THE PROPOSED PROJECT WILL REQUIRE THE USE OF GROUNDWATER TO MEET THE COMMUNITY WATER SUPPLY NEEDS OF THE LEGACY RANCH PLANNED COMMUNITY DEVELOPMENT. FOUR WELLS ARE TO BE USED TO DIVERT UP TO A MAXIMUM COMBINED RATE OF 724 GPM. GROUNDWATER WILL BE USED FOR DOMESTIC, LIGHT COMMERCIAL AND LAWN AND GARDEN IRRIGATION. THE APPLICANT HAS COMPLETED AN AQUIFER TEST REPORT THAT DESCRIBES THE EXTENT OF THE WATER SUPPLY AND WHAT IMPACTS NEARBY WELLS WOULD EXPECT IF THE WATER USE PERMIT IS APPROVED. DRAWDOWN CONTOURS WERE PLOTTED AND MAPPED. THE DRAWDOWN CONTOUR LINE FOR A PROJECTED IMPACT OF .5 FEET IS DETERMINED TO BE THE LIMIT OF POTENTIAL IMPACTS. PUBLIC NOTICE OF THE PROPOSED WATER USE APPLICATION WILL BE PROVIDED TO ALL GROUNDWATER WATER RIGHTS WITHIN THE 0.5 FEET DRAWDOWN CONTOUR. ACCORDING TO INFORMATION AND ANALYSIS

PROVIDED IN THE APPLICANT'S AQUIFER TEST REPORT, THERE WOULD BE SOME DEPLETION TO NEARBY SURFACE WATER AS A RESULT OF THE PROPOSED GROUNDWATER USAGE. THE APPLICANT HAS ACKNOWLEDGED THE NEED TO MITIGATE FOR ANY SURFACE WATER DEPLETIONS. FOR ADDITIONAL INFORMATION, SEE LEGACY RANCH EA.

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 IMPACTS.

THE PROPOSED PROJECT WOULD UTILIZE A PUBLIC WATER SYSTEM TO SUPPLY GROUNDWATER TO THE PLANNED DEVELOPMENT. THE PROPOSED WATER SUPPLY SYSTEM WILL CONSIST OF FOUR GROUNDWATER WELLS. THIS MANIFOLD SYSTEM WILL HAVE A MAXIMUM COMBINED DIVERSION RATE OF 724 GALLONS PER MINUTE. ACCORDING TO THE GROUNDWATER INFORMATION CENTER WELL LOGS, EACH OF THE FOUR SYSTEM WELLS IS CONSTRUCTED BY A LICENSED WELL DRILLER. DETAILED INFORMATION CONCERNING THE CONSTRUCTION OF EACH SYSTEM WELL IS PROVIDED IN THE AQUIFER TEST REPORT THAT ACCOMPANIED THE WATER USE PERMIT APPLICATION.

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 IMPACTS.

SEE LEGACY RANCH EA FOR ADDITIONAL INFORMATION REGARDING ENDANGERED AND THREATENED SPECIES.

INFORMATION PROVIDED TO THE DEPARTMENT BY THE MONTANA NATURAL HERITAGE PROGRAM INDICATES THE PRESENCE OF THE FOLLOWING SPECIES IN THE VICINITY OF THE PROPOSED DEVELOPMENT:

USFS THREATENED, USFWS LT AND USBLM SENSITIVE BALD EAGLE; USFS SENSITIVE AND USBLM SENSITIVE WESTSLOPE CUTTHROAT TROUT; GREAT BLUE HERON ROOKERY, LEWIS'S WOODPECKER, AND BOBOLINK.

BASED ON THE PRESENT USAGE OF THE AFFECTED PARCEL, IT IS NOT LIKELY THAT ANY OF THE IDENTIFIED SPECIES WOULD BE SIGNIFICANTLY IMPACTED IF THE PROPOSED DEVELOPMENT WERE COMPLETED.

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 IMPACTS.

SEE LEGACY RANCH EA FOR A DISCUSSION ABOUT THE WETLANDS RESOURCES IDENTIFIED AT THE PROPOSED SITE.

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

Determination: NO IMPACTS.

THERE ARE NO PONDS TO BE CONSTRUCTED NOR ARE THERE EXISTING PONDS THAT WOULD BE AFFECTED BY THE PROPOSED PROJECT.

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 IMPACTS.

SEE LEGACY RANCH EA

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 IMPACTS.

SEE LEGACY RANCH EA

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 IMPACTS.

SEE LEGACY RANCH EA

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 IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT DUE TO THE GROUND DISTURBANCE ALREADY COMPLETED, THAT NO CULTURAL INVENTORY IS WARRANTED. SEE LEGACY RANCH EA FOR ADDITIONAL INFORMATION.

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 IMPACTS.

SEE LEGACY RANCH EA

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 IMPACTS.

THE PROPOSED PROJECT IS UNDER CONSIDERATION BY THE RAVALLI COUNTY SUBDIVISION REVIEW BODY. SEE LEGACY RANCH EA.

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 IMPACTS.

THIS PROPOSED PROJECT WOULD NOT IMPAIR ACCESS TO OR THE QUALITY OF RECREATION OR WILDERNESS ACTIVITIES.

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

Determination: NO SIGNIFICANT IMPACTS.

SEE LEGACY RANCH EA

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 IMPACTS.

SEE LEGACY RANCH EA.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

THE LEGACY RANCH ENVIRONMENTAL ASSESSMENT ADDRESSES THE FOLLOWING IN SOME DETAIL.

Impacts on:

- (a) Cultural uniqueness and diversity? SEE LEGACY RANCH EA
- (b) Local and state tax base and tax revenues? SEE LEGACY RANCH EA
- (c) Existing land uses? SEE LEGACY RANCH EA
- (d) Quantity and distribution of employment? SEE LEGACY RANCH EA
- (e) Distribution and density of population and housing? SEE LEGACY RANCH EA
- (f) Demands for government services? SEE LEGACY RANCH EA
- (g) Industrial and commercial activity? SEE LEGACY RANCH EA
- (h) Utilities? SEE LEGACY RANCH EA
- (i) Transportation? SEE LEGACY RANCH EA
- (j) Safety? SEE LEGACY RANCH EA
- (k) Other appropriate social and economic circumstances? SEE LEGACY RANCH EA

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts SEE LEGACY RANCH EA

Cumulative Impacts SEE LEGACY RANCH EA

3. ***Describe any mitigation/stipulation measures:*** THERE ARE NO MITIGATION/STIPULATION MEASURES IDENTIFIED FOR THE PROPOSED ACTION.

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 IS THE ONLY ALTERNATIVE TO THE PROPOSED ACTION. UNDER THE NO ACTION ALTERNATIVE, THE APPLICANT WOULD BE UNABLE TO OBTAIN A WATER USE PERMIT FOR THE COMMUNITY WATER NEEDS OF THE PROPOSED LEGACY RANCH SUBDIVISION.

PART III. Conclusion

1. ***Preferred Alternative***

2 ***Comments and Responses***

3. Finding:

Based on the significance criteria evaluated in this EA, is an EIS required?

Yes___ No **X**__

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

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

Name: PATRICK RYAN

Title: WATER RESOURCE SPECIALIST

Date: JULY 26, 2007