

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:* TALLEY PROPERTIES LLC
241 N. VINE ST
SALT LAKE CITY, UT 84103

2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT 76H-30027938

3. *Water source name:* PIQUETT CREEK & EAST PIQUET CREEK

4. *Location affected by project:* SECTION 3, T1N, R21W, RAVALLI CO.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THIS APPLICATION TO CHANGE A WATER RIGHT IS A REQUEST TO ADD THE PURPOSE OF FISH AND WILDLIFE, ADD A PLACE OF STORAGE AND ADD A POINT OF DIVERSION TO EXISTING IRRIGATION AND STOCK WATER RIGHT CLAIMS. THE PROPOSED PROJECT INCLUDES USING AN EXISTING DIVERSION THAT IS NOT IDENTIFIED ON THE AFFECTED WATER RIGHT CLAIMS (ADDITIONAL POINT OF DIVERSION) TO CONVEY WATER VIA AN EXISTING DITCH TO AN EXISTING GROUNDWATER POND. THE POND WAS CREATED AS THE RESULT OF GRAVEL EXTRACTION WHICH HAS DEVELOPED A GROUNDWATER SOURCE THAT IS USED FOR FISH AND WILDLIFE. THIS GROUNDWATER USE IS RECORDED UNDER GROUNDWATER CERTIFICATE 76H-30026910. THE EXISTING POND IS 0.87 SURFACE ACRES AND HAS A CAPACITY OF 5.2 ACRE-FEET.

THE DNRC SHALL ISSUE AN AUTHORIZATION TO CHANGE A WATER RIGHT IF THE APPLICANT PROVES THE CRITERIA IN §85-2-402, MCA ARE MET.

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

MONTANA NATURAL HERITAGE PROGRAM FOR THREATENED AND ENDANGERED PLANT AND ANIMAL INFORMATION
STATE OF MONTANA HISTORICAL PRESERVATION OFFICE FOR CULTURAL INFORMATION
MFISH WEBSITE FOR FISHERY AND WATER QUANTITY INFORMATION
MTDEQ WEBSITE FOR WATER QUALITY INFORMATION

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: NO SIGNIFICANT IMPACTS.

ACCORDING TO THE INFORMATION ON MFISH, THE MTDFWP WEBSITE, NEITHER PIQUETT CREEK NOR EAST PIQUETT CREEK ARE IDENTIFIED AS DEWATERED. THE PROPOSED PROJECT IS NOT EXPECTED TO WORSEN THE EXISTING WATER QUANTITY SITUATION IN THE SOURCE OF SUPPLY.

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.

THE PROPOSED PROJECT TO DIVERT WATER FROM A ADDITIONAL POINT OF DIVERSION ON PIQUETT CREEK INTO AN EXISTING GROUNDWATER RESERVOIR IS NOT EXPECTED TO CONTRIBUTE TO OR DETERIORATE WATER QUALITY. A SEARCH OF THE MTDEQ WEBSITE INDICATES NEITHER PIQUETT CREEK NOR EAST PIQUETT CREEK ARE IDENTIFIED AS WATER QUALITY IMPAIRED.

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 TO DIVERT SURFACE WATER INTO AN EXISTING GROUNDWATER DEVELOPMENT IS NOT EXPECTED TO HAVE AN IMPACT TO GROUNDWATER QUALITY. THE GROUNDWATER RESERVOIR WAS CREATED BY GRAVEL EXCAVATIONS

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 PROPOSAL CONSISTS OF AN EXISTING HEADGATE DIVERSION THAT, ACCORDING TO THE APPLICANT HAS BEEN IN LONG USE. WATER WOULD BE

CONVEYED TO THE EXISTING GROUNDWATER RESERVOIR DEVELOPMENT VIA AN EXISTING DITCH THAT IS CURRENTLY USED TO CONVEY WATER FOR IRRIGATION AND STOCK WATERING. THE RESERVOIR IS CONSTRUCTED AS THE RESULT OF GRAVEL EXTRACTION. ACCORDING TO THE APPLICANT, THERE IS AN OUTLET STRUCTURE TO ALLOW WATER TO PASS THROUGH THE POND AND THEN FLOW INTO THE WEST FORK BITTERROOT RIVER.

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.

THE MONTANA NATURAL HERITAGE PROGRAM RESPONDED TO THE DEPARTMENT'S REQUEST FOR INFORMATION ON SPECIES OF SPECIAL CONCERN WITH THE FOLLOWING:

THE USFWS LT, USFS THREATENED AND USBLM SPECIAL STATUS BULL TROUT IS IDENTIFIED IN PIQUETT CREEK AND THE WEST FORK BITTERROOT RIVER AT THE PROPOSED PROJECT SITE.

THE USFS SENSITIVE AND USBLM SENSITIVE WESTSLOPE CUTTHROAT TROUT IS IDENTIFIED IN PIQUETT CREEK AND EAST FORK PIQUETT CREEK.

THE USFS AND USBLM SENSITIVE FLAMMULATED OWL IS IDENTIFIED AT THE PROPOSED PROJECT SITE.

THE USFWS AND USFS THREATENED AND USBLM SPECIAL STATUS CANADA LYNX HABITAT AREA OF CONCERN INCLUDES THE PROPOSED PROJECT AREA.

THE NORTHERN GOLDEN CARPET PLANT IS IDENTIFIED ON EAST PIQUETT CREEK UPSTREAM OF THE AFFECTED SITE.

WITHIN THE SEARCH AREA AROUND THE PROPOSED PROJECT SITE THE FOLLOWING ARE INDICATED: SMALL ONION, COVILLE INDIAN PAINTBRUSH, OLIVE SIDED FLY-CATCHER, USFS SENSITIVE FISHER, THE USFS SENSITIVE AND USBLM SENSITIVE WOLVERINE, THE USFWS LT, USFS THREATENED AND USBLM SPECIAL STATUS CANADA LYNX, THE USFWS LE, XN, USFS ENDANGERED AND USBLM SPECIAL STATUS GRAY WOLF.

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 IMPACTS.

THERE ARE NO WETLANDS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT THAT WOULD BE AFFECTED.

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

Determination: NO SIGNIFICANT IMPACTS.

THE EXISTING POND IS A GROUNDWATER DEVELOPMENT THAT IS USED FOR FISH AND WILDLIFE PURPOSES. SEE WATER RIGHT CERTIFICATE 76H-30026910. THE PROPOSAL TO DIVERT SURFACE WATER INTO THIS POND IS INTENDED TO MAINTAIN A VIABLE RECREATIONAL FISHERY.

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.

THE PROPOSED PROJECT IS NOT EXPECTED TO ALTER SOIL QUALITY, STABILITY OR MOISTURE CONTENT.

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.

THE PROPOSED PROJECT IS NOT EXPECTED TO CAUSE IMPACTS TO EXISTING VEGETATIVE COVER.

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

Determination: NO IMPACTS.

THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO CAUSE AIR POLLUTION.

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 NO CULTURAL INVENTORY IS WARRANTED FOR THE PROPOSED PROJECT BECAUSE OF THE EXISTING GROUND DISTURBANCE.

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 IMPACTS.

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.

THERE ARE NO LOCALLY ADOPTED ENVIRONMENTAL PLANS OR GOALS THAT WOULD PROHIBIT THE PROPOSED PROJECT.

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 IMPACTS.

THE PROPOSED PROJECT WOULD NOT RESTRICT ACCESS TO RECREATIONAL OR WILDERNESS ACTIVITIES.

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

Determination: NO IMPACTS.

NO HUMAN HEALTH ISSUES ARE IDENTIFIED AS A RESULT OF THE PROPOSED PROJECT.

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:

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? NONE

(b) Local and state tax base and tax revenues? NONE

- (c) Existing land uses? NONE
- (d) Quantity and distribution of employment? NONE
- (e) Distribution and density of population and housing? NONE
- (f) Demands for government services? NONE
- (g) Industrial and commercial activity? NONE
- (h) Utilities? NONE
- (i) Transportation? NONE
- (j) Safety? NONE
- (k) Other appropriate social and economic circumstances? NONE

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

Secondary Impacts NONE IDENTIFIED.

Cumulative Impacts NONE IDENTIFIED.

3. *Describe any mitigation/stipulation measures:* NONE IDENTIFIED.

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:* OTHER THAN THE NO ACTION ALTERNATIVE THERE ARE NO REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT. THE NO ACTION ALTERNATIVE WOULD DISALLOW THE APPLICANT FROM ADDING THE PURPOSE OF FISH AND WILDLIFE, ADDING A POINT OF DIVERSION OR ADDING A PLACE OF STORAGE TO EXISTING IRRIGATION AND STOCK WATER RIGHT CLAIMS.

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: AUGUST 13, 2007