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*: Connie Castellano
321 Highschool Rd. # 371
Bainbridge Island, WA 98110

2. *Type of action*: Application for Beneficial Water Use Permit No. 42K-30022348

3. *Water source name*: Unnamed Tributary of Alkali Creek

4. *Location affected by project*: NW¼NW¼NW¼ Section 10, T8N, R47E Custer County.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits*: This project is to use water from an unnamed tributary of Alkali Creek for a 6.6 AF stock and wildlife pond located in the NW¼NW¼NW¼ Section 10, T8N, R47E, Custer County. The application for water use permit was made in conjunction with the NRCS Wildlife Habitat Incentives Program (WHIP). DNRC will issue a provisional water use permit if all criteria for issuance under MCA 85-2-311 are met.

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)
Custer County Planning Office

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: This non-perennial unnamed tributary of Alkali Creek is not on the MFWP list of chronically or periodically dewatered streams. 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 unnamed tributary of Alkali Creek is not on the MDEQ list of water quality impaired or threatened streams. This proposed use for stock and wildlife 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: There will be no pumping of groundwater; 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: Applicant stated that the project would be a combination excavated and embankment pond with an emergency spillway and trickle tube, storage capacity will be 9.1 AF and the emergency spillway will handle a 25 year event. The dam will be built across the natural channel of the unnamed tributary of Alkali Creek. The impounded water will help sustain the riparian areas around the pond and foster habitat for wildlife and waterfowl. The diversion works should have significant impact on channels, flow modifications, 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 no endangered species or species of special concern within this proposed project area. This proposed wildlife and stock pond would enhance habitat for fish, wildlife and waterfowl.

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: The area does appear to have man induced wetland characteristics. The creation of this pond is intended to enhance wetland characteristics. The impacts should be minimal.

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

Determination: 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. 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 soil disturbance during construction of this proposed project. It is expected that the landowner will control the spread of noxious weeds on her 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 has identified one archeological or historic site of record south of the proposed project area. The site is a lithic scatter located in the SW¼ of section 10, T8N, R48E, Custer County. Based on the site in the area and the ground disturbance required by this project the Montana Historic Preservation Office recommends that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted. Should cultural materials be inadvertently discovered during this project, the Montana Historical Society would like to be contacted to have the site investigated. Because this project is in conjunction with NRCS WHIP, a cultural resource inventory will be conducted by NRCS. NEPA will be followed.

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 Custer 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 adverse 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 stock and wildlife should not impact water users downstream of the project.

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

3. ***Describe any mitigation/stipulation measures:*** The applicant is aware that she 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:*** Ms. Castellano could drill wells to supply the amount of water she wishes to have for the proposed use.

The "no action" alternative would mean that Ms. Castellano could not use this non-perennial source to water her livestock and enhance wildlife habitat through the NRCS WHIP.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative would be to allow the use of the water from the unnamed tributary of Alkali Creek 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: No significant environmental impacts were identified. No EIS is required.

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

Name: Christine Smith
Title: Water Resources Specialist
Date: August 23, 2007