

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:* Mark Lorenz, 2 Circle Ridge Court, Burr Ridge, IL 60527
2. *Type of action:* Application for Beneficial Water Use Permit 76B-30030342
3. *Water source name:* Yaak River
4. *Location affected by action:* SE¼SE¼SE¼ Section 7, Township 36N, Range 31W, Lincoln 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. The applicant is seeking to divert water from the Yaak River at 100 gpm for the purpose of two acres of lawn and garden and 18 acres of pasture irrigation from May 1 to October 1 annually. The proposed means of diversion consists of an intake hose attached to a 13 HP pump and a 1.5 HP submersible pump located in the SE¼SE¼SE of Section 7, Township 36N and Range 31W, Lincoln County. Place of use will be in portions of Section 7, 17, and 18, Township 36N and Range 31W.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality

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: DFWP does not list the Yaak River as either periodically or chronically 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: The Montana DEQ does not list the Yaak River as water quality impaired or threatened. Initial project construction disturbances to the stream will create sediment. The applicant may be required to obtain a 310 permit from the Lincoln County Conservation District, which will address the streambed and banks stabilization to minimize soil erosion and sedimentation.

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 use of water from the Yaak River will not impact 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: No impacts identified.

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."

The Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project.

The following animal species are found within Section 7, 18 and 17, Township 36N, Range 31 W: Gray Wolf, Common Loon, Northern Goshawk, Columbia River Redband Trout, Canada Lynx, grizzly bear, wolverine, Westslope Cutthroat Trout, and Fisher. No sensitive plant species were identified.

Determination: There should be no adverse impact on the above listed species and their habitat besides an occasional "path crossing" or sighting.

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: Photographs from the applicant do not show the presence of wetlands. A 404 Permit from the Army Corps of Engineers would be required if there were a disturbance of a wetland. No impact.

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

Determination: No existing ponds are involved with this development. No impact.

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 is not a problem in this area. No impact.

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: Existing vegetative cover might be disturbed on the bank during the diversion set-up. The property is privately owned and it is the landowner's responsibility for controlling noxious weeds on their property.

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

Determination: No source of air pollution was identified.

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 Historical Society was contacted. According to their records, there have been no previously recorded sites within the designated search locales. Therefore, there is a low likelihood cultural properties will be impacted.

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: All impacts to land, water and energy have been addressed. No impact.

HUMAN ENVIRONMENT

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

Determination: There are no known environmental goals or plans in this area. No impact.

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 impact.

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

Determination: No impact.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_XX_. 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? None identified
- (b) Local and state tax base and tax revenues? None identified
- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified
- (e) Distribution and density of population and housing? None identified
- (f) Demands for government services? None identified
- (g) Industrial and commercial activity? None identified
- (h) Utilities? None identified
- (i) Transportation? None identified
- (j) Safety? None identified
- (k) Other appropriate social and economic circumstances? None identified

2. ***Secondary and cumulative impacts on the physical environment and human population:*** None identified.
3. ***Describe any mitigation/stipulation measures:*** There should be no mitigation measures.
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:***

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: An EA is the appropriate level of analysis for the proposed action because no significant impacts were identified.

Name of person responsible for preparation of EA:

Name: Kathy Olsen

Title: Water Resources Specialist

Date: July 29, 2008