

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: Eureka Land and Cattle LLC, C/O James A. & Christine Gibson, PO Box 1991, Eureka, MT 59917-1991
2. Type of action: Permit to Appropriate Water 76D-30042823
3. Water source name: Green Lake
4. Location affected by project: SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 20, Township 36N, Range 27W, Lincoln County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

This application is to obtain a water use permit for Green Lake in the above-described location. The applicant proposes to obtain a right for up to 32.65 acre-feet per year, which is the evaporative potential of 11.2 acres of the lake having a maximum depth of 15 feet. The proposed use is for fishery use from January 1 to December 31 inclusive of each year.

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

The Montana Natural Heritage Program (website query)  
The Montana Department of Environmental Quality Website (TMDL 303d Listing)  
The Montana Department of Fish, Wildlife & Parks (Fisheries Listings).

**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:* Not applicable. This is for a fishery beneficial use for Green Lake, and as a result the only consumptive use is evaporation, which would exist regardless of fish stocking.

**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:* Green Lake is not listed as impaired or threatened by DEQ as per the 303d list, and the establishment of a fisheries water use permit will not impact its water quality.

**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:* Not applicable; this is a surface water appropriation.

**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:* This is an existing reservoir, and as a result no new diversion works are a component of this water use permit.

#### **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:* Several species are listed in this range and township as either endangered or threatened by the U.S. Fish and Wildlife Service including: Gray Wolf (endangered), Canada Lynx (threatened), Bull Trout (threatened), and Spalding's Campion (threatened). Of these species the distribution of the Canada Lynx is overlapping with the area of Green Lake, however, since this is an existing reservoir the authorization of a fisheries water use permit will not negatively affect this species.

**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:* There are no wetlands in the area of this project.

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

*Determination:* This is an existing reservoir, therefore, no significant changes will occur.

**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 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:* The land use will not change so no impact is anticipated.

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

*Determination:* No impact.

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

*Determination:* There will be no impact.

**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:* None

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

*Determination:* The project is consistent with planned land use.

**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:* The authorization of a fisheries water use permit will potentially increase the recreational value of Green Lake.

**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 X 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? No
- (b) Local and state tax base and tax revenues? No
- (c) Existing land uses? No
- (d) Quantity and distribution of employment? No
- (e) Distribution and density of population and housing? No
- (f) Demands for government services? No
- (g) Industrial and commercial activity? No
- (h) Utilities? No
- (i) Transportation? No
- (j) Safety? No
- (k) Other appropriate social and economic circumstances? No

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

Secondary Impacts: None

Cumulative Impacts: None

**3. Describe any mitigation/stipulation measures:** None

**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*

1. ***Preferred Alternative:*** As proposed

2. ***Comments and Responses:*** None

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 impacts have been identified; therefore, no EIS is necessary.

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

*Name:* Tim Eichner

*Title:* Water Resources Specialist

*Date:* September 22, 2008