

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:* Jeffery and Teri Allen Trust
150 Lookout Lane
Whitefish, MT 59937
2. *Type of action:* Application for Change 76LJ-30042555
3. *Water source name:* Bohannon Creek
4. *Location affected by project:* SE¹/₄ NE¹/₄ NE¹/₄, Section 29, Township 25N, Range 19W, Lake County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

This application is to change the point of diversion (POD) for the statement of claims 76LJ 30764, an irrigation use for 3 acres of cherry trees, and 76LJ 30765, a domestic and lawn and garden use. Currently, the POD for these claims is shared with multiple users, is not on the applicant's property, and diverts water from Bohannon Creek by a gravity flow conveyance system. The applicant proposes to move the POD approximately 700 ft. downstream, onto the applicant's property, and change the means of diversion from a gravity flow system to a 3 hp pump capable of producing 80 gpm for the given conditions. As stated by the applicant, the combined flow rate of 80 gpm and volume of 10.73 ac-ft (3.5 ac-ft for domestic/lawn and garden and 7.23 ac-ft for irrigation) associated with this change will remain consistent with historic use.

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

Montana Natural Resource Program Species of Concern
 US Fish and Wildlife Service Wetlands Mapper
 Natural Resource Conservation Service Web Soil Survey

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: N/A.

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: N/A.

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: N/A

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.

The diversion works will consist of a 3 hp. submersible pump installed in Bohannon Creek to supply 80 gpm to a 2 in. pipe conveyance system. This proposed change will modify the flow by withdrawing 80 gpm at this point of diversion (POD); however, because this will replace a historic POD, there is be no net decrease in the rate of depletion. The riparian area will be slightly impacted as a result of installing the pump, power, and conveyance system.

Determination: No significant impact

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 website was referenced to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern” in vicinity of Township 25N and Range 19W, that could be impacted by the proposed project. The US Fish and Wildlife Service identified the endangered Gray Wolf (*Canis lupus*)

and the threatened Canada Lynx (*Lynx canadensis*) as possible species inhabiting this region. In addition the State of Montana, US Forest Service, and/or Bureau of Land Management identified the following species of special concern: Wolverine (*Gulo gulo*); Fisher (*Martes pennanti*); Grizzly Bear (*Ursus arctos*); Bald Eagle (*Haliaeetus leucocephalus*); Olive-sided Flycatcher (*Contopus cooperi*); Western Toad (*Bufo boreas*); Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi*); Smoky Taildropper (*Prophyaon humile*); Alexander's Rhyacophilan Caddisfly (*Rhyacophila alexanderi*); Clustered Lady's-slipper (*Cypripedium fasciculatum*); Adder's Tongue (*Ophioglossum pusillum*); Dicranum fragilifolium (*Dicranum fragilifolium*); and *Neckera douglasii*.

Determination: Due to its limited size it is not expected that this proposed project will adversely impact any of these species. Land-use characteristics will remain constant between pre and post project completion, and limited site disturbance will occur.

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 proposed project according to US Fish and Wildlife Service wetland data.

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

Determination: Not applicable, the project does not involve a pond.

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.

The location of the proposed place of use encompass the soil type of Courville Gravelly Silt Loam; a well-drained soil type of moderate slopes. This soil type is fitting for use in cherry orchards.

Determination: No degradation of soil quality, stability, or moisture content is expected with proposed project.

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.

The land-use will not change as a result of this proposed project; it is already residential and cherry orchards.

Determination: No significant impact.

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: This proposed project will not cause significant site disturbance, and therefore is not expect to degrade cultural sites in the vicinity.

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

HUMAN ENVIRONMENT

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: There should be no significant impacts on recreational or wilderness activities from this proposed use.

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:

The “no action” alternative would result in the applicant diverting water from the existing gravity flow system.

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: February 2, 2009