

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:* Ronnie and Kaylene Webb
42124 Yaak River Rd
Troy, MT 59935
2. *Type of action:* Permit to Appropriate Water 76B-30043383
3. *Water source name:* Yaak River
4. *Location affected by project:* NW¹/₄ NW¹/₄ SW¹/₄, Section 23, Township 37N, Range 31W, Lincoln County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

This proposed appropriation is for use of surface water from the Yaak River for irrigating 12.6 acres of alfalfa, hay and pasture grass, and watering three head of mules in Lincoln County approximately three miles south of the Canadian border and 10 miles northeast of Yaak, MT. This application requests a volume of 18.65 AF for irrigation, and 0.08 AF for stock water use. The period of diversion for irrigation is from April 25 to October 5 for irrigation and January 1 to December 31 for stock, inclusive of each year. The applicant proposes to divert water at a rate of 95 gpm up to an annual volume of 18.73 AF.

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: This appropriation is for surface water and therefore does not apply.

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 screened intake to an 8.3 hp Goulds end suction pump. This pumping system with approximately 210 total dynamic head, will provide a flow rate of 95 gpm to the place of use. Field irrigation will be accomplished by a main line from the pump coupled to a Kifco water-reel model T210/400 Nelson SR75. The pump curves and water-reel specification sheets provided by the Applicant indicate this infrastructure is capable of delivering 95 gpm to an area strip that is 182 feet wide and 491 feet long, or approximately 2.1 acres in size. As a result, the Kifco water-reel will be moved a total of six times to irrigate the proposed 12.6 acres place of use.

Determination: Installation of pump and distribution line will have slight impact on riparian area and shoreline habitat.

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 37N and Range 31W, that could be impacted by the proposed project. The US Fish and Wildlife Service identified the threatened Grizzly Bear (*Ursus arctos*) and Canada Lynx (*Lynx canadensis*), and the delisted Gray Wolf (*Canis lupus*) and Bald Eagle (*Haliaeetus leucocephalus*) as possible species inhabiting this region. In addition the State of Montana, US Forest Service, and Bureau of Land Management identified the following species of special concern: Wolverine (*Gulo gulo*); Fisher (*Martes pennanti*); Northern Goshawk (*Accipiter gentilis*); Common Loon (*Gavia immer*); Harlequin Duck (*Histrionicus histrionicus*); Black-backed woodpecker (*Picoides arcticus*); Westslope Cutthroat (*Oncorhynchus clarkia lewisi*); Columbia River Redband Trout (*Oncorhynchus mykiss gairdneri*); and Moonworts (*Botrychium sp.*).

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 change from shrub-land to pasture/hay.

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.

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

Determination: N/A

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 Andic Dystrochrepts, glacial outwash terraces.

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 likely change from a partially wooded/shrub landscape to a pasture/hay landscape.

Determination: No significant impact is expected.

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 disturbance on a landscape scale, 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 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 to this proposed project will result in the landowner not having access to water for irrigating lawn and garden.

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: July 31, 2009