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: Gregory C. Parks
47 West Pine Creek Road
Livingston, MT 59047

2. Type of action: Application to change a water right # 43B-30049407

3. Water source name: Unnamed tributary to Trail Creek

4. Location affected by project: NWSWSW, Sec. 11, T4S, R8W, Park, Co.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The Applicant proposes to change the point of diversion and place of use for a non-filed water project for stock out of a spring in Park County. The intent of the project is to allow stock to water at an upslope area of the property so they don't travel to the creek at a rate of 8 GPM up to 0.3 AF per year. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

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

Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper

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: No impact identified.
Department of Fish, Wildlife and Parks does not identify the source of supply, an unnamed tributary Pine Creek, as a dewatered stream.

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: No impact identified.
The source, a spring, is not on the DEQ list.

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: No impact identified.
The stock use should not impact adjacent surface water flows.

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 impact identified.
The diversion is a pipeline to a stock tank with a float valve. Resource impacts are not expected.

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: No impact identified.
The Montana Natural Heritage Program was contacted. The gray wolf, Canada lynx, bison, elk, antelope, and Grizzly bear, as well as, Yellowstone cutthroat trout, may be found within Sec. 11, T4S, R8E. This project should not have impact on these animals.

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: No impact identified.
No existing wetlands were identified.

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

Determination: No impact identified.
This project does not include 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.*

Determination: No impact identified.
This project should not impact soil quality, alter soil stability or moisture content. There is no saline seep in this area.

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: No impact identified.
The project has a minimal footprint. Disturbed areas will grow in with natural vegetation.

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 identified.
There should be no significant impact on air quality relating to 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 if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: This project is not located on state or federal land and this section is not applicable.

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: No impact identified.
No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

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

Determination: No impact identified.
No locally adopted environmental plans or goals have been identified.

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 identified.
This area is private property, with no access to public recreational or wilderness activities.

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

Determination: No impacts identified.

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: Private property rights are not impacted by this proposed action.

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: No secondary impacts have been identified

Cumulative Impacts: No cumulative impacts have been identified

3. ***Describe any mitigation/stipulation measures:*** Mitigation or stipulations are not planned at this time.

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 applicant not having access to water for a beneficial use.

PART III. Conclusion

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

2 ***Comments and Responses:*** None received to date.

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: Significant impacts have not been identified. An EIS is not required for this action.

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

Name: Porter Dassenko
Title: Water Resource Specialist
Date: January 14, 2011