MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION
WATER RIGHTS BUREAU

ENVIRONMENTAL ASSESSMENT

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of action:** Water use permit application no. 42KJ-P101355-00

2. **Applicant/Contact name and address:**

Westmoreland Resources Inc
PO Box 449
Hardin MT 59034

Montana, Dept of State Lands
PO Box 201601
Helena MT 59620-1601

3. **Water source name:** Unnamed Tributary of Sarpy Creek, Middle Fork

4. **Location affected by action:** NESE Section 35 and NWSW Section 36, TWP 01N, RGE 37E, Big Horn County.

5. **Narrative summary of the proposed project and action to be taken:** This is a previously constructed and used sediment control structure that Westmoreland now wants to use for stockwater and wildlife/waterfowl use. The application was public noticed and no objections were filed by downstream users. The provisional permit is to be issued.

6. **Agencies consulted during preparation of the environmental assessment:** None

PART II. ENVIRONMENTAL REVIEW

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

Soils/Geologic Features:
Degradation of soil quality or alteration of soil stability, moisture content, geologic substructure, unique geologic features, archeological sites?

NO

Erosion:
Alteration of erosion or siltation patterns which modify stream beds or lake shores?

NO

Vegetation/Noxious weeds:
Change in or adverse affect on diversity and production of local plant species including any unique or endangered species (including trees, shrubs, grass, and aquatic plants)? Establishment or spread of noxious weeds?

NO

Air:
Deterioration of air quality, or adverse effects on vegetation due to increased air pollutants.

NO

Water:
Alteration of surface water or groundwater quality including but not limited to temperature, dissolved oxygen or turbidity or quantity or distribution?

NO

Floodplain:
Changes in drainage patterns, course or magnitude of flood flows, or exposure of people/property to hazards (flood)?

NO A hazard determination was made on this dam in 1989 and it was not considered to be a high hazard structure.

Wildlife Habitat/Migration:
Deterioration of critical fish or wildlife habitat? Creation of a barrier to the migration or movement of fish or wildlife?

NO

Endangered Species:
Adverse effects on any unique or endangered species?

NO

HUMAN ENVIRONMENT

Existing Land Use:
Alteration of or interference with the productivity or profitability of the existing land use of an area?

NO

Historical Significance:
Destruction or alteration of a natural area of scientific or educational value or prehistoric or paleontological importance?

NO

Populace:
Alteration of the location, distribution, density, or growth rate of the human population of an area? Alteration of social structure of community?

NO

Transportation:
Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?

NO

Safety:
Creation of any health hazard or affect on existing emergency response or evacuation plans?

NO

Public Services:
Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? Have an effect upon local or state tax base?

NO

Utilities:
Creates need for new or altered facilities for any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

NO

Aesthetics:
Alteration of any scenic vista or recreation opportunity or creation of an aesthetically offensive site to the public?

NO

Other:

NO

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2. **Secondary and cumulative impacts:** None

3. **Reasonable alternatives to the proposed action, including the no action alternative:** None

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:

There does not seem to be a significant adverse environmental impact associated with this structure. The dam has been in existence since 1989 as a sediment control structure.

PREPARED BY:

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TITLE: Water Resources Specialist
DATE: March 2, 1998