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

AMENDED ENVIRONMENTAL ASSESSMENT

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of action:** Water right change application no. 76H-G(P)053960-01

2. **Applicant/Contact name and address:**
ELLIE COX
7047 FOX LANE
DARBY, MT 59828

3. **Water source name:** NELSON CREEK

4. **Location affected by action:** SENWSW AND NESWSW, SEC 25, T01N, R22W, RAVALLI CO.

5. **Narrative summary of the proposed project and action to be taken:** THE DNRC SHALL ISSUE A WATER USE AUTHORIZATION IF AN APPLICANT PROVES THE CRITERIA IN 85-2-402, MCA ARE MET. THIS APPLICATION IS TO CHANGE THE PURPOSE TO FISH AND WILDLIFE AND ADD THREE PLACES OF STORAGE. THE FLOW RATE IS 200 GPM UP TO 322.6 ACRE-FEET.

6. **Agencies consulted during preparation of the environmental assessment:** RAVALLLI COUNTY LAND SERVICES.

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?

YES: THE RAVALLI COUNTY SANITARIAN, STATES IN HIS LETTER TO APPLICANT DATED June 7, 2012 THAT ADDING THE PONDS, AS PROPOSED, WILL BE A CLEAR VIOLATION OF THE EXISTING SUBDIVISION APPROVAL STATEMENT. THE PROPOSED PONDS DID NOT EXIST AT THE TIME THE COX SUBDIVISION WAS APPROVED. A REDESIGNATION OR RELOCATION OF THE WELLS AND/OR DRAINFIELDS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY WILL BE REQUIRED TO SHOW THAT THE LOCATION OF ANY PONDS ON ANY LOT IN THE COX SUBDIVISION WILLCAUSE NO DEGRADATION OF STATE WATER QUALITY.

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

NO

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:

POTENTIAL DEGRADATION OF WATER QUALITY IN THE NEZ PERCE FORK OF THE BITTERROOT RIVER IF PONDS ARE BUILT AS PROPOSED.

3. Reasonable alternatives to the proposed action, including the no action alternative:

APPLICANT MAY SEEK APPROVAL OF A RE-DESIGNED SUBDIVISION TO ALLOW PONDS TO BE CONSTRUCTED. APPLICANT MAY CHOOSE NO ACTION.

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:

AN EA IS ADEQUATE FOR THIS ACTION.

PREPARED BY:

NAME: PATRICK RYAN
TITLE: WATER RESOURCE SPECIALIST
DATE: [Automatic date code removed]