

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Revised 10-00

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

Part I. Proposed Action Description

- 1. Applicant/Contact name and address:** George Rusher Trust,  
% David Rusher, 19626 S. Normandie Ave.  
Torrance, CA 90502
- 2. Type of action:** Provisional Permit to Appropriate Water 76D-113127-00
- 3. Water source name:** Kootenai River
- 4. Location affected by action:** NE¼ SE¼ SW¼, Section 1, Township 31N, Range 34W, Lincoln County
- 5. Narrative summary of the proposed project and action to be taken:** The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicant is seeking a water use permit for the purpose of a fishpond. The pond has been existing for many years and used for irrigation storage for water right no. 76D-W100384-00. The pond will no longer be used for irrigation storage due to a new pumping facility, which irrigates the land directly from the Kootenai River. The applicant now wants to plant trout in the pond and pump 140 gpm of water from the Kootenai River at the above affected location to sustain the fishery. The pond is approximately 935 feet long and 67 feet wide with a maximum depth of 12 feet, holding approximately, 8.62 acre-feet of water. Water will be pumped in to the pond to replace evaporation and infiltration as needed up to a maximum volume of 224 acre-feet per year which is an exchange rate of once every two weeks.
- 6. Agencies consulted during preparation of the Environmental Assessment:** Montana Historical Society, Montana Natural Heritage Program and Department of Fish, Wildlife & Parks.

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: The source is identified as chronically dewatered. The river flows are regulated at the dam on Lake Koocanusa by the US Army Corps of Engineers. This appropriation will be imperceptible when compared to the available amount of water in the Kootenai River at this location.

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: The quality will not be impacted by the use of 140 gpm, which is .00008 percent of the average flow. This segment of the Kootenai River however, is listed on the States 303(d) list showing only partial support for aqua life and cold fish. All other uses, to include drinking, are fully supported by this source. The current practice of storing water behind Libby Dam contributes to warmer temperatures and most likely this "moderately impaired" partially supporting determination.

The construction of the diversion was completed sometime ago and therefore any temporary increased turbidity that may have caused degradation of water quality has occurred.

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 use of surface water will have no impact on groundwater.

### **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: A review of the applicants 310 permit coupled with an onsite inspection found there will be no impacts to the channel or modifications to the flow. No barriers were created or riparian areas impacted. Well construction and dams are not applicable to the project area.

### **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: One hundred forty gallons per minute from the Kootenai River is an imperceptible amount of water regarding any impact to the source. A research request form was sent to the Montana Natural Heritage Program to determine proximity of threatened or endangered fish, wildlife, plants or aquatic "species of special concern," if any. It was found Bull Trout and White Sturgeon are found in the Kootenai River; however, removal of .00008 percent of the flow will not impact the fishery.

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: The project does not involve nor is it near wetlands.

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

Determination: The pond where fish will be planted has been used for irrigation storage for many years. Habitat for existing wildlife, waterfowl and fish will be improved.

### **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: As previously stated, the physical pond has existed for many years so there will be no degradation of soil quality or alteration of its stability or moisture content. An onsite inspection found no evidence of saline seep on this property which has been irrigated for many years.

### **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: Approximately twenty feet of riverbank was impacted when the existing pump house was built. The work was completed under a 310 permit approved by the Lincoln County Conservation District. An 8' X 14' area of brush was cleared by hand for the pump house. Other existing vegetation was left as is.

### **Air quality**

Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: There will be no effect to air quality from this proposed use of water for a fishpond.

### **Historical and archeological sites**

Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: The Montana Historical Society was contacted and historical sites are located in the vicinity but not within the project area. The issuance of the permit will not cause ground disturbing activity and therefore will not impact cultural properties

### **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: The stocking of fish in an existing pond will have no impact to the environment and will require a fish pond stocking license from the Montana Department of Fish, Wildlife & Parks. This development has no impact on the Kootenai River.

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| <b>HUMAN ENVIRONMENT</b> |
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### **Locally adopted environmental plans and goals**

Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: Lincoln County has no ordinance against private fishponds.

### **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 will be no impact to the quality of recreation or wilderness activities nor will access be denied to any established recreation areas except by Forest Service road closures that occur throughout public domain in Lincoln County.

### **Human health**

Assess whether the proposed project impacts on human health.

Determination: The project does not have an effect on human health.

### **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, the power has been in place for many years, this is a replacement facility.
- (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:** None
- 3. **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 other option to keep the pond full of water would be to pump it from a well. And no action would mean no fishpond.

### 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: No significant impacts have been identified, therefore no EIS is necessary.

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

Name: Rich Russell

Title: Water Resources Specialist

Date: October 17, 2000