

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

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* LEONARD & PAMELA WALLCE
1504 EAST PLAZA
POST FALLS, ID 83854

C LEE MCALPINE
BOX 3
SULA, MT 59871
2. *Type of action:* Application to Change a Water Right
3. *Water source name:* RYE CREEK
4. *Location affected by action:* S2NW SEC 32 TWP 3N RGE 20W
SW SEC 32 TWP 3N RGE 20W
SE SEC 31 TWP 3N RGE 20W
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Applicants propose to change the point of diversion from a headgate in the NWNWSW of Sec 33 Twp 3N Rge 20W to 2 different pump sites, one located in the NWNESW Sec 32 Twp 3N Rge 20W and the other located in the SENESE Sec 31 Twp 3N Rge 20W. Applicant McAlpine also proposes to add a place of storage located in the NWNESW Sec 32 Twp 3N Rge 20W. The place of storage will have a capacity of 0.25 acre-feet(ac-ft) and a surface area of 0.1 acres.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Water Court
Natural Heritage Program
Dept of Fish, Wildlife & Parks
Dept of Environmental Quality
State Historic Preservation Office

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:

Stream is not considered dewatered by DFWP and the proposed change will not effect the stream condition as the applicants propose only to change the location where they will withdraw their water.

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:

This stream is listed as Partial Threatened for Aquatic Life Support and Cold Water Fishery on DEQ's 2000 TMDL stream list. The proposed project is not likely to affect water quality as the use of the water will not change - it will still be used for irrigation and the proposed project is likely to use less water than before because the applicants will not be using the old headgate and ditch so there will be less water lost to seepage and evaporation.

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:

N/A

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:

Applicants will need to apply for permits from the Conservation District in order to construct the pump sites on the creek. Any riparian or stream bank impacts should be addressed by this process.

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:

The proposed project is not likely to have any impact on threatened or endangered species or species of special concern. The use of pumps instead of the headgate and ditch are likely to decrease potential impacts on fish species. No changes to the use of the land are proposed, land that has historically been in agricultural production will remain in agricultural production.

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:

N/A

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

Determination:

A small pond is proposed to store water on McAlpine's property before it is pumped out to the proposed drip irrigation system. The small surface area (0.1 acre) and capacity (0.25 ac-ft) are not likely to have any impact on wildlife.

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:

The proposed project will not change the type of land use so it is not likely to impact soil quality or stability. There are no known areas of saline soil in the project 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:

Continued irrigation on this property is more likely to benefit the vegetative cover and prevent the spread of noxious weeds. Without this change, the applicants will not be able to use their irrigation water from Rye Creek.

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

Determination:

No part of this project is likely to have any adverse impacts on air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination:

There are no know historical or archeological sites in the project area.

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:

Applicants will need to have power available to run their pumps and this would involve extending power lines to the pumping sites.

HUMAN ENVIRONMENT

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

Determination:

There are no known locally adopted plans that would apply to this project.

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:

The proposed project will involve the addition of two new pump sites along the banks of Rye Creek which would effect the visual and auditory experience for people recreating on Rye Creek.

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

Determination:

There are no known impacts on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

NO

If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination:

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:

Since this is a change to an existing use and not a new use, it is not likely that this project will contribute significantly to secondary or cumulative environmental impacts.

3. Describe any mitigation/stipulation measures:

No mitigation measures are planned.

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 applicants have relinquished any legal claim to use of the headgate through which this water right has historically been delivered so there really is no reasonable alternative to granting them a change in their point of diversion.

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:

The proposed project is small in scope and is likely to use the same amount or less water than has been used historically so an EA is the appropriate level of review for this project.

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

Name: Julie A. McNichol

Title: Water Resource Specialist

Date: March 31, 2009