

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:* KENT KEARNS
400 W MAIN ST STE 203
HAMILTON, MT 59840

2. *Type of action:* APPLICATION FOR WATER USE PERMIT
76H-30018577

3. *Water source name:* GROUNDWATER

4. *Location affected by project:* SW SECTION 7, TWP 5 NORTH, RGE 20 WEST
RAVALLI COUNTY

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THE APPLICANT PROPOSES TO DEVELOP A 70-ACRE TRACT NEAR HAMILTON, MT INTO A RESIDENTIAL SUBDIVISION WITH 180 LOTS AND A COMMUNITY WATER SYSTEM. THE PROPOSED WATER SYSTEM INCLUDES TWO GROUNDWATER WELLS, WHICH WILL DIVERT A MAXIMUM OF 348 GPM FOR DOMESTIC AND LAWN AND GARDEN USES. THE TWO WELLS ARE 70 AND 71 FEET DEEP. THIS WATER USE PERMIT APPLICATION IS REQUESTING A TOTAL ANNUAL VOLUME OF 126 ACRE-FEET. THE WELLS ARE LOCATED ON THE 70-ACRE PARCEL IN THE SW SECTION 7, TWP 5 NORTH, RGE 20 WEST, RAVALLI COUNTY. THE APPLICANT PROPOSES TO DEVELOP THE PARCEL IN FOUR PHASES OF 45 LOTS PER PHASE.

THE APPLICANT HAS PUMPED WELL ONE FOR 72 HOURS AND WELL 2 FOR 242 HOURS, BOTH AT THE RATE OF 410 GPM, IN ORDER TO SHOW THAT WATER IS PHYSICALLY AND LEGALLY AVAILABLE.

THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET.

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

STATE HISTORICAL PRESERVATION OFFICE
MONTANA NATURAL HERITAGE PROGRAM
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

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 SIGNIFICANT IMPACTS.

SEE GROUNDWATER SECTION BELOW.

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 SIGNIFICANT IMPACTS.

SEE GROUNDWATER SECTION BELOW.

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 SIGNIFICANT IMPACTS.

THE APPLICANT PROPOSES TO USE GROUNDWATER FOR THE COMMUNITY WATER SYSTEM OF A 180-LOT RESIDENTIAL SUBDIVISION. THE TWO WELLS THAT WILL BE USED TO DIVERT GROUNDWATER HAVE BEEN CONSTRUCTED AND TESTED AS REQUIRED BY MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY TO MEET PUBLIC WATER SUPPLY STANDARDS. THE TESTING, IN COMPLIANCE WITH DNRC REQUIREMENTS, ALSO SHOWS THAT WATER IS PHYSICALLY AVAILABLE IN THE AMOUNT REQUESTED AND THAT THE TOTAL AMOUNT REQUESTED IS ALSO LEGALLY AVAILABLE BECAUSE THE SOURCE AQUIFER IS SUFFICIENT TO SATISFY ALL EXISTING LEGAL DEMANDS AS WELL AS THE PROPOSED USE.

PRELIMINARY ANALYSIS OF THE WELL PUMP TEST INDICATES THAT NEARBY SURFACE WATER FLOWS WOULD BE DEPLETED. THE EXTENT OF THE DEPLETION IS NOT DETERMINED.

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 SIGNIFICANT IMPACTS.

THE DIVERSION WORKS CONSIST OF TWO WELLS CONSTRUCTED TO A DEPTH OF 70 AND 71 FEET RESPECTIVELY. A LICENSED WELL DRILLER CONSTRUCTED THE WELLS UNDER THE DIRECTION OF A PROFESSIONAL ENGINEER. WATER DIVERTED FROM THE WELLS IS TO BE USED FOR DOMESTIC AND LAWN AND GARDEN PURPOSES IN A 180 LOT RESIDENTIAL SUBDIVISION. THE TESTING COMPLETED BY THE APPLICANT SHOWS THAT NEARBY WELLS WOULD BE MINIMALLY IMPACTED AFTER THE ONE-YEAR PERIOD OF DIVERSION.

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 SIGNIFICANT IMPACTS.

INFORMATION PROVIDED BY THE MONTANA NATURAL HERITAGE PROGRAM INDICATES SEVERAL SPECIES OF CONCERN IN THE VICINITY OF THE PROPOSED PROJECT.

THE THREATENED BULL TROUT IS IDENTIFIED IN THE BITTERROOT RIVER AND IN SKALKAHO CREEK. THESE WATER BODIES ARE APPROXIMATELY ¾ MILE FROM THE PROPOSED PROJECT.

THE SENSITIVE WESTSLOPE CUTTHROAT ROUT IS IDENTIFIED IN THE BITTERROOT RIVER AND IN SKALKAHO CREEK.

A STATE CHAMPION TREE IS IDENTIFIED NEARBY.

THE PALISH SAGE OCCURS IN THE VICINITY.

THE SENSITIVE TOWNSEND'S BIG-EARED BAT OCCURS IN THE VICINITY.

THE PROPOSED PROJECT IS NOT EXPECTED TO IMPACT ANY OF THE IDENTIFIED SPECIES.

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 SIGNIFICANT IMPACTS.

NO WETLANDS ARE IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

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

Determination: NO SIGNIFICANT IMPACTS.

NO PONDS ARE IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

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 SIGNIFICANT IMPACTS.

THE 70-ACRE PARCEL PROPOSED FOR RESIDENTIAL DEVELOPMENT HAS A MIX OF SOILS INCLUDING, HAMILTON-CORVALLIS SILT LOAM, LEVEL, HAMILTON FINE SANDY LOAM, LEVEL, AND HAMILTON SILT LOAM, LEVEL. NO DEGRADATION TO THESE SOILS IS EXPECTED.

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 SIGNIFICANT IMPACTS.

70 ACRES OF AGRICULTURAL LANDS WILL BE RETIRED TO ACCOMMODATE THE PROPOSED SUBDIVISION. THE 180 LOTS ARE PLANNED FOR PHASED DEVELOPMENT. ESTABLISHMENT OR SPREAD OF NOXIOUS WEEDS IS POSSIBLE IN THE UNDEVELOPED PHASES IF PROPER PRECAUTIONS ARE NOT IMPLEMENTED.

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

Determination: NO SIGNIFICANT IMPACTS.

AIR QUALITY WOULD BE IMPACTED TO A MINOR DEGREE BASED ON THE INCREASED NUMBERS OF AUTOMOBILES RESULTING FROM A NEWLY CREATED RESIDENTIAL SUBDIVISION.

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

Determination: NO SIGNIFICANT IMPACTS.

SHPO SEARCHED THEIR RECORDS FOR INFORMATION ABOUT CULTURAL SITES IN THE VICINITY OF THE PROPOSED PROJECT. NO SITES HAVE BEEN PREVIOUSLY IDENTIFIED. SHPO'S RECOMMENDATION IS THAT NO INVENTORY IS NECESSARY

AT THIS TIME DUE TO THE PREVIOUS AGRICULTURAL USE OF THE AFFECTED LAND.

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 SIGNIFICANT IMPACTS.

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 SIGNIFICANT IMPACTS.

THE PROPOSED RESIDENTIAL SUBDIVISION IS CONSISTENT WITH THE LOCAL SUBDIVISION APPROVAL PROCESS.

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 IMPACTS.

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

Determination: NO IMPACTS.

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: NO IMPACTS.

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? NONE
- (b) Local and state tax base and tax revenues? MINOR
THE ADDITION OF 180 RESIDENTIAL LOTS WOULD CAUSE AN INCREASE IN THE PROPERTY TAX REVENUES IN RAVALLI COUNTY.
- (c) Existing land uses? MINOR
70 ACRES OF AGRICULTURAL LAND IS CHANGING TO RESIDENTIAL.

- (d) Quantity and distribution of employment? NONE
- (e) Distribution and density of population and housing? MINOR
180 ADDITIONAL HOUSING UNITS WOULD BE EXPECTED TO CAUSE AN INCREASE IN POPULATION IN RAVALLI COUNTY.
- (f) Demands for government services? MINOR
ADDITIONAL FIRE, LAW ENFORCEMENT AND OTHER GOVERNMENT SERVICES WOULD BE EXPECTED.
- (g) Industrial and commercial activity? NONE
- (h) Utilities? MINOR
- (i) Transportation? MINOR
- (j) Safety? NONE
- (k) Other appropriate social and economic circumstances? NONE

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts NONE IDENTIFIED

Cumulative Impacts NONE IDENTIFIED

3. *Describe any mitigation/stipulation measures:*

THERE ARE NO MITIGATION/STIPULATION MEASURES IDENTIFIED FOR THE PROPOSED ACTION.

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 NO ACTION ALTERNATIVE IS THE ONLY ALTERNATIVE CONSIDERED FOR THE PROPOSED ACTION. UNDER THE NO ACTION ALTERNATIVE, THE APPLICANT WOULD BE UNABLE TO OBTAIN A WATER RIGHT FOR THE PROPOSED MULTIPLE DOMESTIC WATER SUPPLY

PART III. Conclusion

1. Preferred Alternative

2 Comments and Responses

3. Finding:

Based on the significance criteria evaluated in this EA, is an EIS required?

Yes___ No_X__

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

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

Name: PATRICK RYAN

Title: WATER RESOURCE SPECIALIST

Date: JULY 28, 2006