

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:* **Spring High Ranch LLC
400 Sub-Station RD
Venice, FL 34292**

2. *Type of action:* **43C 30023165**

3. *Water source name:* **Unnamed Tributary East Fork Fiddler Creek**

4. *Location affected by project:* **NW NE SE of Section 4, Township 6 South, Range 17
East in Stillwater County.**

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
**This is a proposal to build and fill an 11.22 AF flow through pond to be used as a
Fishery and for Fire Suppression in the event that it is needed in support of fire
fighting in the immediate area. The proposed impoundment includes a dam across
an Unnamed Tributary East Fork Fiddler Creek that will create a pond with a
surface area of 1.65 acres and have a maximum depth of 17 feet. The applicant
estimated that the total consumption of this pond due to evaporation will be 2.2 AF
per year which will be remediated by a well some distance from the pond. The
DNRC will issue a provisional water use permit only if all criteria for issuance
under MCA 85-2-311 are met.**

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

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 East Fork Fiddler Creek and its tributaries are not listed by the Montana FWP as chronically or periodically dewatered. Given the mitigation of the evaporation proposed with the application this project will have little if any affect on the flow of the East Fork Fiddler Creek or this unnamed tributary as long as the construction is done according to the proposal.

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 East Fork Fiddler Creek and its tributaries are not listed as water quality impaired or threatened by the Montana DEQ. This project is not expected to have negative impacts on water quality down stream as long as the construction is done according the proposal.

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 proposed use of water should impact groundwater only to the degree that the well installed to mitigate evaporation is used. It has been estimated by the applicant that given the surface area and the climatic area, approximately 2.2 AF of water per year will evaporate from the pond. The application describes that the well will be installed on the North side of a ridge, outside of the drainage around 1000 feet from where the pond will be constructed. Due to the amount and the distance from the creek, immediate impacts on surface water flows are not expected from the well.

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: The applicant provided detailed diagrams of the planned impoundment, the spring box and the location of the pond compared to the stream channel. There will be some impact on the stream channel due to construction of the pond and dam. Lasting negative impacts on the stream channel are not expected as long as the construction is done according the proposal.

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 Montana Natural Heritage Program identified the Canada Lynx as the only threatened species habitat within the project area. It is not expected that this development will adversely impact this species considering there is already a home near the proposed location of the pond.

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 area does not appear to be a wetland, so there should be no significant impacts to wetlands from this proposed use.

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

Determination: This proposed reservoir and diversion works should have no negative impacts on existing wildlife, waterfowl or fisheries.

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: There should be no degradation of soil quality or alteration of soil stability due to the construction of the pond or the diversion works. The USDA Soil Conservation Service Stillwater County Soil Survey shows that the Amherst soil at this location has a salinity of less than 2 mmhos/cm. Saline seep is not expected to be a problem given the Amherst soil type and the quantity of water that will be impounded.

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: There is expected to be some disturbances of vegetation due to the construction of this pond that may spread noxious weeds. It is expected that the landowner will take an active roll in the control of noxious weeds that may be spread.

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

Determination: There should be no deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this proposed project.

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 Historic Preservation Office did not identify any archeological or historic sites of record in the proposed project area. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the 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: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

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

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Stillwater County.

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 should be no significant negative impacts on recreational or wilderness activities from this proposed use.

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

Determination: There should be no significant impact on human health from this proposed use.

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 significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

1. Impacts on:

- (a) Cultural uniqueness and diversity? **No significant impact.**
- (b) Local and state tax base and tax revenues? **No significant impact.**

- (c) Existing land uses? **No significant impact.**
- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**
- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances? **No significant impact.**

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

Secondary Impacts: The mitigation of the 2.2 AF per year from a well will be an additional pressure on groundwater in this area that may have long term impacts in that aquifer. The applicant should be aware that if at any time the pond or the well is shown to have a negative impact on water rights with older priority dates the applicant may be forced to stop this use.

Cumulative Impacts: As more development of surface and ground water takes place in this area, the increased pressure on this resource may cause shortages and disputes between users.

3. *Describe any mitigation/stipulation measures:* **The applicant proposed using a well placed around 1000 feet away from the pond to mitigate the 2.2 AF per year that will evaporate from the pond. The water from the well will be piped to the pond to replace what is lost due to evaporation.**

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 application and proposed construction appear to address all reasonable options. At this time I don't know of any reasonable alternatives beyond what has been proposed.**

Because this is an elective development the no action alternative is reasonably available and prudent. It would mean that the proposed pond would not be built and the applicant would not be able to use the water in this way.

PART III. Conclusion

Preferred Alternative: **The preferred alternative would be to allow the permit to be issued as proposed if all issuance criteria are met and no valid objections are received by the DNRC. In addition, appropriate remarks should be included on the permit to require water measurement devices to be installed and for a notice of completion to be returned to the DNRC when the construction is completed. The applicant should also understand that if at any time the pond or the well is shown to have a negative impact on water rights with older priority dates the applicant may be forced to stop this use.**

1. *Comments and Responses:* **None to report**
2. *Finding:*
3. Yes No *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **No significant environmental impacts were identified. No EIS is required.**

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

Name: **Tim Lewis**

Title: **Water Conservation Specialist**

Date: **February 2, 2015**