

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: **Rock Creek Cattle Company LTD
Greg Lane
913 Wisconsin Ave Ste 201
Whitefish MT 59937-2135**
2. Type of action: **Application to Change a Water Right No. 30026448-76G
(Statement of Claim No. 91709-76G)**
3. Water source name: **Rock Creek**
4. Location affected by action: **NE of Sec 3, Twp 8N, Rge 10W, Powell County**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:
The applicant proposes to change a portion of the point of diversion, place of use and purpose of this water right. The proposed purpose is augmentation for the Home Ranch Development – Phase 1 Subdivision. The proposed change will be 50 gpm up to 7.5 acre-feet per year. The proposed point of diversion and place of use will be the NE of Sec 3, Twp 8N, Rge 10W, Powell County. The augmentation is to mitigate the possible affects on Rock Creek from two public water supply wells for the Home Ranch Development – Phase 1 Subdivision. The two wells are located in the NENENE of Sec 3, Twp 8N, Rge 10W, Powell County and are referred to as PWS1 and PWS2. A licensed well driller, Allwest Drilling Inc, drilled PWS1 on July 27, 2006 to a depth of 323 feet. PWS2 was also drilled July 27, 2006 to a depth of 400 feet. Water would be diverted at a maximum rate of 50 gpm up to 30 acre-feet per year. A 12,000 gallon tank will be utilized to balance water system demands. The water would be used for domestic (20 households, and 5 outbuildings) from January 1 to December 31. There will be 2 acres of landscaped lawn and garden adjacent to the fitness center irrigated from April 15 to October 15. The place of use is in the NE of Sec 3, Twp 8N, Rge 10W, Powell County.

The DNRC shall issue an Authorization to Change to the applicant if the criteria in 85-2-402, MCA are met.

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

DNRC - Eric Chase, Surface Water Hydrologist

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 adverse impact. This proposed project would not affect chronically dewatered streams as identified by DFWP. The application is for augmentation of Rock Creek.**

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 adverse impact. This proposed project would not affect water quality in Rock Creek.**

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 adverse impact. The proposed project is augmentation to mitigate possible impacts on Rock Creek.**

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 adverse impact. The proposed project will not require diversion works. The project is for augmentation. The water will be left in Rock Creek.**

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 adverse impact. This application is for augmentation of Rock Creek.**

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 functional wetlands have been identified. This application is for augmentation of Rock Creek.**

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

Determination: **No impact. This application is for augmentation of Rock Creek.**

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 impact. This application is for augmentation of Rock Creek.**

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 impact. This application is for augmentation of Rock 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 impact. This application is for augmentation of Rock Creek.**

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 impact. This application is for augmentation of Rock Creek.**

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 adverse impact on environmental resources of land, water and energy. This application is for augmentation of Rock Creek.**

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 adverse impact.**

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 significant adverse impact.**

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

Determination: **No significant adverse impact.**

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

Yes ___ No X

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 significant adverse impact.**
- (b) Local and state tax base and tax revenues? **No significant adverse impact.**
- (c) Existing land uses? **No significant impact. The proposed project is augmentation of Rock Creek.**
- (d) Quantity and distribution of employment? **No significant adverse impact.**
- (e) Distribution and density of population and housing? **No significant adverse impact.**
- (f) Demands for government services? **No significant adverse impact.**
- (g) Industrial and commercial activity? **No significant adverse impact.**
- (h) Utilities? **No significant adverse impact.**
- (i) Transportation? **No significant adverse impact.**
- (j) Safety? **No significant adverse impact.**
- (k) Other appropriate social and economic circumstances? **No significant adverse impact.**

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

Secondary Impacts: **Secondary impacts from this proposed project are not anticipated. The proposed project is augmentation of Rock Creek.**

Cumulative Impacts: **Cumulative impacts from this proposed project are not anticipated. The proposed project is augmentation of Rock Creek.**

3. Describe any mitigation/stipulation measures:

The application is for augmentation of Rock Creek. The augmentation is to mitigate the possible affects on Rock Creek from two public water supply wells. The wells are for the Home Ranch Development – Phase 1 Subdivision.

The application will go through the public notice procedure, and water users concerned with the potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed.

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 would prevent the applicant from augmenting water to prevent possible adverse affects to Rock Creek from the proposed subdivision.

PART III. Conclusion

1. Preferred Alternative: **Issue the authorization as applied for by the applicant, or in some modified form considered reasonable.**
2. Comments and Responses: **There have not been comments or responses at this time.**
3. Finding:
Yes ___ No **X** 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:

Based on a consideration of the criteria found in DNRC Administrative Rule 36.2.524, "Determining the Significance of Impacts," there is not a significant adverse impact. An EA is sufficient for this level of action. The proposed project is for augmentation of Rock Creek.

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

Name: Kathy Arndt
Title: Water Resources Specialist
Date: March 7, 2007