

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:
Yellowstone River Ranch Estates
104 West Superior St.
Duluth, MN 55802
2. Type of action: Application to change a water right 30026246-43B
3. Water source name: Mill Creek
4. Location affected by project: E2 Sec. 23 T5S, R8E Park, Co.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The DNRC will issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.")
The applicant is applying to take 31 acres away from under a pivot historically irrigated lands and apply it to a fish pond. The pond is 12.1 a/f in capacity and will require 70.37gpm to have a 39 day turnover.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Historical Society, Cultural Resource File Search
Montana Natural Heritage Program, Species of Concern
Montana Department of Fish, Wildlife and Parks; 2005 Dewatered Stream List

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.*

The Department of Fish, Wildlife and Parks has listed Mill Creek as dewatered. The department installed a pipeline to improve habitat.

Determination: No Impacts identified.

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.

The Department of Environmental Quality does not list Mill Creek as water quality impaired or threatened. The proposed project will not affect water quality.

Determination: No Impact.

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: The diversion works will be the original diversion from the Mill Creek Pipeline. No Diversion changes are proposed.

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 will not impact any threatened or endangered fish, wildlife, plants or aquatic species. There will be the construction of the pond resulting from the proposed change in water use. The proposed project will not decrease the amount of water flowing in Fire Creek. The purpose of the project is to divert water into the pond. The upper reaches of Mill Creek are located in the Absorka Mountain area and provide quality habitat to Cutthroat and Bull Trout

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

This project does not involve wetlands

Determination: No impact.

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

Determination: The project is to construct a pond and supply it with water from Mill Creek. The pond owner will need a private stocking license and approval from FWP to stock the pond.

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 construction of a pond should have no affect on the Geology and Soil.

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: Vegetation will be disrupted during excavation of the pond. Weed elimination practices will need to be put in place.

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

Determination: No Impacts.

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

Determination: According to the Montana State Historic Preservation Office (SHPO), there are no previously recorded cultural sites or previous cultural resource inventories within the area. SHPO recommends that a cultural resource inventory be conducted due to the lack of any previous inventory. As this project is located on private property, no reconnaissance survey is required and any cultural resource inventory conducted would be at the discretion of the property owner.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

None Identified

Determination: No Impact

HUMAN ENVIRONMENT

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

Determination: Park County has no regulations against 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: No Impact identified.

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

Determination: No impact identified

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: N/A

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 Impacts identified
- (b) Local and state tax base and tax revenues? No Impacts identified
- (c) Existing land uses? No Impacts identified
- (d) Quantity and distribution of employment? No Impacts identified
- (e) Distribution and density of population and housing? No Impacts identified
- (f) Demands for government services? No Impacts identified
- (g) Industrial and commercial activity? No Impacts identified
- (h) Utilities? No Impacts identified
- (i) Transportation? No Impacts identified
- (j) Safety? No Impacts identified
- (k) Other appropriate social and economic circumstances?

- 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:**
None Identified

- 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:**
No alternative identified.

PART III. Conclusion

- 1. Preferred Alternative** N/A

- 2. Comments and Responses** None received 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:

An EA is adequate for this project

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

Name: Porter Dassenko

Title: Water Resource Specialist

Date: 4/2/2007