

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 Ellison, PO Box 28, Bigfork MT 59911
2. *Type of action:* Application for Beneficial Water Use Permit 30037461-76K
3. *Water source name:* Unnamed Tributary of Peterson Creek
4. *Location affected by project:* The NW ¼ NE ¼ of Section 35, Township 27N, Range 19W, Flathead County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met. The applicant is seeking a water use permit diverted from an unnamed tributary of Peterson Creek for the purpose of a trout filled pond. The pond is off stream and .5 surface acres in size. It is 10 feet deep and has an overall storage capacity of 2.5 acre feet. Water is being diverted from the creek and gravity fed to the pond from two points of diversion. The primary diversion is a pool that has formed from the restriction of a beaver dam. A 217 foot long pipeline will divert flow to a wet well where the flow is controlled into the pond. The secondary diversion is an inlet structure diverting surface water into another wet well which is then diverted to the pond. The appropriation of 85.1 gallons per minute up to 138.3 acre-feet per year supplies the year-round pond. Outlet water from the pond will enter a channel and return to Peterson Creek. The addition of this pond to the Ellison property located in the NW¼ NE¼ of Section 35, Township 27N, Range 19W of Flathead county should provide recreational fishing as well as increase the value of the property.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Department of Fish, Wildlife and Parks
Natural Heritage Program
Montana Historical Society

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: DFWP has not identified Peterson Creek as a dewatered stream.

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: Peterson Creek is not on Montana DEQs 303(d) list.

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: Groundwater impact is minimal. The pond site sits in a high groundwater table with wetlands lying to the east. The main source of water comes from surface water and is stored in a lined pond which serves as a barrier for groundwater. The groundwater which will be utilized has been accounted for by Water Right Certificate 76LJ-30024411.

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 has obtained and adhered to permits from the Flathead Conservation District, the Montana Department of Environmental Quality, U.S. Army Corps of Engineers, and Fish, Wildlife and Parks to mitigate any impacts the diversion may cause.

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 stream does not present a practical place for Bull Trout to spawn but could possibly be used for migrating. Since the re-routed channel is of similar structure as the original, there should be no barrier for future movement. There are no nesting sites for Bald Eagles within the project area as noted from field visit in June of 2007. A grizzly bear or other wildlife which may be listed as "species of special concern" is not prohibited from traveling through the

area with the changes the pond has made. Most vegetation in the disturbed area has been salvaged and replanted.

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 issue of wetlands was resolved with a 404 permit from the Army Corps of Engineers. The assessment is as follows: Two distinct zones exist on the project site. Wetlands will meet the criteria for soils, vegetation and the hydrology with varying amounts of damage due to prior agricultural practices including the area that has been disturbed by the proposed project and wetlands that have been created as a result of the project. Based on the proposed design and wetlands mapping of the project area, there will be no net loss of wetlands as a result of the proposed project when wetland areas are rounded to hundredths.

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

Determination: The new pond should result in a positive impact to existing wildlife and waterfowl as well as providing a new fishery for trout.

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 pond should help to add moisture to the soil with no saline seep.

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 currently no sign of noxious weeds per site visit June 2007. Owner has and should continue to control the situation on this private property.

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 anticipated.

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

Determination: A cultural resource inventory would be up to the private property owner. No impact to historical or archeological sites from this development of a fish pond are anticipated.

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 other impacts have been identified.

HUMAN ENVIRONMENT

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

Determination: The owner is working with all local, state and federal agencies as required by law. This property owner has carved out his piece of Montana. Ponds have become a mainstay for those wanting to enjoy this part of Montana.

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 will be no impact to the quality of recreation or wilderness activities, nor will access be denied to any established recreation areas.

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

Determination: No impact is anticipated.

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 impact.

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? Potential for tax base to rise
- (c) Existing land uses? Historical grazing will now be decreased by the size of the pond.
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? None
- (f) Demands for government services? Slight
- (g) Industrial and commercial activity? None
- (h) Utilities? None
- (i) Transportation? None

(j) Safety? None

(k) Other appropriate social and economic circumstances? None noted.

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

Secondary Impacts

No secondary impacts were noted

Cumulative Impacts

No cumulative impacts were noted

3. Describe any mitigation/stipulation measures:

None are needed at this time

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: Proposed project has already been constructed. Therefore, no alternative.

PART III. Conclusion

1. Preferred Alternative

N/A

2. Comments and Responses

None

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:

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

Name: Kathy Olsen

Title: Compliance Technician

Date: 09/26/2007