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:

Vincent Irrevocable Trust
296 Barren Peak Road
Libby, MT 59923

2. **Type of action:** Application for Beneficial Water Use Permit 76C 30071038

3. **Water source name**: Groundwater

4. **Location affected by project:** SESESW and the SWSWSE of Section 5 and the NWNE, E2NENW of Section 8, Township 26N, Range 29W, Lincoln County, Montana.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to impound groundwater in a pond for recreation and fisheries purposes January 1st thru December 31st. No flow rate is associated with this permit; it is a groundwater pond. The Applicant is requesting 63.2 AF for both uses; this permit will reflect the maximum volume of 63.2 AF. 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)

-U.S. Fish and Wildlife Service and Montana Natural Heritage Program: Endangered, Threatened Species and Species of Special Concern, Wetland Mapper program
-Montana Department of Fish Wildlife & Parks (DFWP); Dewatered Stream Information
-Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information and PWS Drinking Water Watch databases
-U.S. Natural Resource Conservation Service (NRCS); web soil survey
-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.*

The applicant proposes to divert groundwater from a shallow unconfined alluvial aquifer; depletions to the Fisher River could occur. The Fisher River drainage above the proposed pond is noted by MTFWP as being chronically dewatered. The reach below the pond where depletions could occur is not. Upon analysis by the Department the source aquifer and Fisher River were found to have water in excess of that requested by the Applicant.

Determination: No impact.

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.*

According to the Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information Center in 2014 the Fisher River below the potentially depleted reach of the Fisher River (SWSE Section 5, Township 26N, Range 29W) was not listed as having one or more uses impaired. The Applicant is proposing to impound groundwater to create a pond. The total volume of water potentially depleted from the Fisher River is equal to the annual pond evaporation (15.1 AF) and is expected to have little or no effect on the water quality of this river.

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.*

The proposed use will reduce discharge from the source aquifer to the Fisher River in an amount equivalent to their consumptive use. 15.1 AF of 63.2 AF of water that is impounded is consumed due to evaporation. Groundwater flow paths immediately surrounding the pond will not be altered; this is a flow through pond. Groundwater and surface water quality will not be negatively impacted.

Determination: No impact.

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.*

The surface area of the pond is 4.78 acres. The maximum depth of the pond is 12 feet. The maximum volume of the pond is 48.16 AF based on the as-built pond survey done by Vincent Land Improvement Services, LLC on January 6, 2015. The pond is not lined to allow groundwater to flow through. A stocking permit will be obtained from MT FWP.

The proposed project shall not impact any channels, barriers, riparian areas and dams. Groundwater flow to surface waters will be modified; however modeling done by Department hydrogeologists show that no significant negative impact will occur to existing water users and surface/groundwater resources.

Determination: No impact.

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."*

The Montana Natural Heritage Program and DFWP websites were reviewed to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project.

According to the Montana Natural Heritage Program in Township 26N, Range 29W there are no plant species of concern. The Bull Trout (Salvelinus confluentus) and Grizzly Bear (Ursus arctos) are listed as threatened by the USFS. The Westslope Cuthroat Trout (Oncorhynchus clarkii lewisi), Columbia River Redband Trout (Oncorhynchus mykiss gairdneri), Western Pearlshell (Margaritifera falcata), Townsend's Big-eared Bat (Corynorhinus townsendii), Wolverine (Gulo gulo), Fisher (Pekania pennanti), and Bald Eagle (Haliaeetus leucocephalus) are listed as sensitive by the USFS. The Northern Goshawk (Accipiter gentilis), Lewis's Woodpecker (Melanerpes lewis), Pacific Wren (Troglodytes pacificus) and Torrent Sculpin (Cottus rhotheus) are rated as S3 or S3B by the state of Montana. Meaning their populations are potentially at risk because of limited and or declining numbers. An adequate quantity of water will still exist in the Fisher River to maintain existing populations of fish should they exist there currently. Agriculture and human development has occurred on or around this parcel of land for many years; any impacts to sensitive mammal species most likely has already occurred. No impact.

Determination: No impact.

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: N/A, project does not involve wetlands or critical riparian habitats

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

The Applicant will follow MTFWP policies and acquire a stocking permit before they stock the pond. Fish, wildlife and waterfowl habitat will be created as a result of this flow through groundwater pond.

Determination: No impact

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.*

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of old lake terraces and glaciolacustrine deposits made up of gravelly silt loam and very gravelly fine sandy loam. The soil drainage class is well drained. Soils within the place of use are not susceptible to saline seep. The stability of the soil profile and moisture content may be altered due to the creation of the pond. Sediment will be removed from the site and a pond created. No degradation of soil quality shall occur.

Determination: No impact.

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.*

The creation of a pond will remove/disturb existing vegetation. Noxious weeds could be established or spread around the perimeter of the pond. The Applicant will follow Lincoln County polices that are in place to manage noxious weeds.

Determination: No impact.

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

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use of groundwater.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A, project is not located on state or federal 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.*

All impacts to land, water and energy have been identified and no further impacts are anticipated.

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.*

The project is located in an area with no locally adopted environmental plans.

Determination: No 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.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No impact.

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

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

Determination: No impact.

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 identified.

(*b)* *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(*d)* *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

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

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 reasonable alternatives were identified in the EA.

PART III. Conclusion

1. ***Preferred Alternative:*** None identified.

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:

An EA is the appropriate level of analysis for the proposed action because no significant impacts were identified.

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

Name: Melissa Brickl
Title: Hydrologist/Water Resource Specialist
Date: January 7, 2016