

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: David L Pogge Trust
Sandra L Pogge Trust
850 Rumble Lane
Condon, MT 59826
2. Type of action: Application for Beneficial Water Use Permit No. 76K-30109425
3. Water source name: Buck Creek a tributary to the Swan River
4. Location affected by project: SWNE, W2SE, NENESW, SENW of Section 9, T20N, R16W, Missoula County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to divert water from Buck Creek, a tributary to Swan River, by means of a headgate located in the NESESE of Section 9, T20N, R16W, Missoula County. The proposed diverted flow rate and volume from Buck Creek is 3 cubic-feet per second (CFS) up to 144 acre-feet (AF) from March 15th through July 31st annually, for the purposes of irrigation and recreational use. Water will be conveyed through a buried 18" diameter pipeline 1300 feet to an off-stream reservoir. The Applicant proposes to divert water from the 60 AF reservoir to irrigate 77 acres of pasture grass and use the reservoir for recreational use from May 1st to September 30th annually. 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)

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife, and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams

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.

Buck Creek a tributary to Swan River is not listed on the 2005 Department of Fish, Wildlife, and Parks Impaired Stream List

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.

The Department of Environmental Quality has not assessed water quality in Buck Creek. The minimal withdraw of water requested by the applicant will not result in impairment of water quality.

Determination: No significant 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.

The diversion consists of headgate located along the bank of Buck Creek. The diversion will not cause any channel impacts, flow modifications, or create any barriers to fish migration in Buck Creek.

Determination: No significant 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 was contacted 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.

The Montana Natural Heritage Program identified the following animal species:

Mammals: Grizzly Bear, Canada Lynx, little brown myotis, wolverine, fisher

Birds: Varied Thrush, Clark’s Nutcracker, Great Blue Heron

Fish: Bull Trout, West slope Cutthroat Trout

Plants: White bark Pine, Small Yellow Lady’s-slipper

The location of the proposed appropriation is on Buck Creek just upstream from the town of Condon, Montana. The place of use is an existing agricultural field and partially landscaped. Any impact to sensitive mammal species or plant species most likely has already occurred. No impact is foreseen

Determination: No significant 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.

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

The proposed 60 AF reservoir may potentially provide additional habitat for wildlife or waterfowl. The reservoir will be used to store water for irrigation and will not be stocked with fish, nor will it have any connectivity with the nearest surface water source such that fish will be able to migrate to the reservoir.

Determination: No significant 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.*

The use of water from Buck Creek for pasture grass irrigation will not cause degradation of soil quality or stability. The soils at the site are not susceptible to saline seep.

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 existing vegetative cover will not be disturbed. The proposed reservoir will not be excavated, the location is in a natural depression. The project is located entirely on private property, and the applicants will be responsible for controlling 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. The water will be diverted using a gravity fed pipeline system to the reservoir. Water will be diverted from the reservoir using a diesel-powered pump. The increased noise levels associated with irrigation from the reservoir will be minimal. No other air pollutants were identified as resulting from the applicant's proposed use of Buck Creek for pasture grass purpose.

Determination: No significant 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.*

N/A – project not located on State or Federal Lands.

Determination: No impact.

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 additional 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 Department is not aware of any locally adopted environmental plans or goals relevant to the proposed project.

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 the 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.

Determination: No impact

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

No impacts to human health were identified

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: No reasonable alternatives were identified in the EA.

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 N/A

3. Finding:

Yes___ No XX 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 this proposed action because no significant impacts have been identified as a result of the proposed action

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

Name: K Schubert

Title: Water Resource Specialist

Date: March 14, 2018