

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION
WATER RIGHTS BUREAU

ENVIRONMENTAL ASSESSMENT

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of action:** Water right change application no. 41I-G(W)001042-00

2. **Applicant/Contact name and address:**

Neil W. & Donna Moldenhauer
39 Tremper Rd
East Helena MT 59635-3459

3. **Water source name:** Spokane Creek

4. **Location affected by action:** NESENW, S21, T09N, R01W, Broadwater Co.

5. **Narrative summary of the proposed project and action to be taken:**

The DNRC shall issue an Authorization to Change if the applicants prove the criteria in 85-2-402, MCA is met. This application proposes to change the point of diversion and place of use of a portion of an historic water right to the applicant's property. The use is for 360 gpm up to 156.6 acre-feet of water per year. The historic number of acres irrigated by this portion of the right is 18.7. This EA Checklist will address the environmental impacts to the physical and human environment with regard to the point of diversion and place of use.

6. **Agencies consulted during preparation of the environmental assessment:**

State Historic Preservation Office (SHPO)
Montana Natural Heritage Program (MNHP)
Steve Dalbey, Fish, Wildlife & Parks (FWP)

PART II. ENVIRONMENTAL REVIEW

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

Soils/Geologic Features:

Degradation of soil quality or alteration of soil stability, moisture content, geologic substructure, unique geologic features, archeological sites?

A cultural resource survey from SHPO indicates three historic sites in Section 21, T09N, R01W. The first site is an Historic Railroad, Stage Route. The second and third sites are Historic Euro-American sites (Tipi Rings). The location of the second site within the section is unknown. The third site is listed within the NW of the section. The railroad through the section is still in use. The applicant has purchased property that was already historically irrigated. However, they will be informed of possible historic sites in the area. It seems unlikely there will be an adverse impact on the historic significance of the property.

Erosion:

Alteration of erosion or siltation patterns which modify stream beds or lake shores?

The diversion works including headgate and ditch are already in place. They were used for historic irrigation. There will be minimal disturbance to the creek during the installation of the measuring device. This will be temporary.

Vegetation/Noxious weeds:

Change in or adverse effect on diversity and production of local plant species including any unique or endangered species (including trees, shrubs, grass, and aquatic plants)? Establishment or spread of noxious weeds?

The MNHP did not identify any plant species of special concern in the area. Based on this information there should not be adverse impacts to the vegetation from the proposed water use.

Air:

Deterioration of air quality, or adverse effects on vegetation due to increased air pollutants.

There should be no increased air pollutants from this proposed water use.

Water:

Alteration of surface water or groundwater quality including but not limited to temperature, dissolved oxygen or turbidity or quantity or distribution?

The installation of a measuring device may have a temporary impact on the turbidity of the creek. Any impact should be temporary only during installation. The applicant has a portion of a historic right and its use should not have a profound effect of the water quantity or distribution.

Floodplain:

Changes in drainage patterns, course or magnitude of flood flows, or exposure of people/property to hazards (flood)?

No

Wildlife Habitat/Migration:

Deterioration of critical fish or wildlife habitat? Creation of a barrier to the migration or movement of fish or wildlife?

The MNHP found no records of animal species of special concern in the area. The MRIS did not show critical fish or fish species of special concern in Spokane Creek. Spoke with Steve Dalbey from FWP. He was not aware of any fish species of special concern, but was more concerned with the disturbance to the water and creek bank during the construction of the headgate. Changing the diversion point should not hamper the movement of fish or wildlife because there will be no construction. The applicant will utilize an existing headgate and ditch.

Endangered Species:

Adverse effects on any unique or endangered species?

Based on information from MNHP there are no unique or endangered species in the area.

HUMAN ENVIRONMENT

Existing Land Use:

Alteration of or interference with the productivity or profitability of the existing land use of an area?

No, there should be no difference.

Historical Significance:

Destruction or alteration of a natural area of scientific or educational value or prehistoric or paleontological importance?

No, refer to soils/geologic features.

Populace:

Alteration of the location, distribution, density, or growth rate of the human population of an area? Alteration of social structure of community?

This particular property does not fall within the boundaries of the subdivided area. The sale and subsequent change of the water right took place because the surrounding area was subdivided. The historic water rights were withheld from the subdivided lots. There will be an alteration of the location, distribution, density and growth rate of the human population, however the effect should be slight. There is no community nearby. This particular application should not have any effect on the area at all.

Transportation:

Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?

There will be a minor increase in traffic to the area.

Safety:

Creation of any health hazard or affect on existing emergency response or evacuation plans?

No

Public Services:

Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? Have an effect upon local or state tax base?

Any effect on the local or state tax base would be minimal.

Utilities:

Creates need for new or altered facilities for any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

At this point it does not appear the applicant will need any utilities for the property.

Aesthetics:

Alteration of any scenic vista or recreation opportunity or creation of an aesthetically offensive site to the public?

No

Other:

No

2. Secondary and cumulative impacts: None Identified

3. Reasonable alternatives to the proposed action, including the no action alternative:

Issue the authorization, there will be little or no impact to the physical or human environment. Deny the application and that portion of the historic water right will remain in limbo. It can no longer be used on the historic place of use.

PART III. CONCLUSION

Based on the significance criteria evaluated in this EA, is an EIS required? No

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 action. There will be no significant impacts, therefore an EIS will not be required.

PREPARED BY:

NAME: Kathy Arndt

TITLE: Water Resources Specialist

DATE: [Automatic date code removed]