

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Revised 10-00

Part I. Proposed Action Description

1. **Applicant/Contact name and address:** David L. Davis
3224 NE Lincoln St
Hillsboro, OR 97124
2. **Type of action:** Application for Water Use Permit
76K-Y112367-00
3. **Water source name:** Cooney Creek
4. **Location affected by action:** SESESE, Section 32, T21N, R16W
Missoula County
5. **Narrative summary of the proposed project and action to be taken:** The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. This application proposes to pump water from Cooney Creek in Missoula County at a rate of 100 GPM to irrigate 5 acres of lawn and garden. Applicant plans to develop five acres of his 10-acre lot into formal gardens and lawn area surrounding a house, garage and drive. The irrigation system will consist of a mainline with overhead laterals to four zones. The applicant has complied with the 310 laws in obtaining a permit from the Missoula County Conservation District. This 310 permit authorizes work in the bed of Cooney Creek with conditions approved by the CD and a representative of the Montana Dept of Fish, Wildlife and Parks. Applicant's 10-acre lot is bounded on one side by the Lolo National Forest and on two sides by land owned by Burlington Northern.
6. **Agencies consulted during preparation of the Environmental Assessment:**
SHPO, Missoula County Conservation District, Montana Natural Heritage, MFWP, MDEQ

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: Cooney Creek is not listed as dewatered by MFWP. Applicant has provided an estimate of the monthly flow for Cooney Creek. This estimate is derived from using the Basin Characteristic method to determine available flow during the requested may 1 through October 1 period of use. The information

provided indicates ample water is available to service all current water rights in addition to the proposed project. Based on the information available, the proposed project would not worsen 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: Cooney Creek is not listed as water quality impaired by the MTDEQ. Scott Rumsey, DFWP representative, indicates in the State of Montana Natural Streambed and Land Preservation Act Team Member Report that “[t]his project will not significantly increase turbidity if completed according to the conditions listed in the permit. Therefore, application to DEQ is not required.”

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: Since this proposed action is to divert surface water, no impacts to groundwater are foreseen.

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: Construction of the diversion works is subject to the requirements of the 310 permit that was issued to applicant by the Missoula County Conservation District. Potential impacts to Cooney Creek from this project were considered in the authorized 310 permit. The conditions attached to the 310 permit are intended to insure that possible impacts are reduced or eliminated.

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: MFWP indicates the presence of bull trout and westslope cutthroat trout in Cooney Creek. Cooney Creek from RM 2.7 to Headwaters is designated a NWPPC Wildlife Protected Area because this area is part of the Northern Continental Divide ecosystem and identified as a critical grizzly bear habitat. The Montana Natural Heritage Program file search revealed several plant and animal species of special concern. The northern goshawk has been observed in the proximate area of the proposed project. The wavy moonwort is designated as sensitive and has been observed on forest service land adjacent to the proposed place of use. One other sensitive plant, the Howell’s Gum-Weed and one threatened plant, the Water Howellia are located within a three-mile radius of the proposed project. The area of the proposed project is also identified as potential lynx habitat. The applicant has obtained a 310 Permit from the Missoula County Conservation District and is required to mitigate any streambed disturbance. The applicant’s plan for mitigation is on file. According to Scott Rumsey, DFWP, if the applicant adheres to the provisions of his 310 permit in the construction of the proposed project, no impacts to threatened or endangered fish species are likely to occur. Additionally, the proposed project is unlikely to create any barriers to species migration and should not impact any identified plant species.

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: No wetlands are identified as part of the proposed project and none will be affected.

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

Determination: Not applicable because this proposed project does not include any ponds.

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: According to the Missoula County Soils Survey data, this area is composed of JIMLAKE soil type. This is a gravelly, silt, loam mixture. No salts are indicated and no saline seep is expected. The use of Cooney Creek water to irrigate approximately five acres of lawn and garden for domestic purposes will not cause any soil degradation, any change in soil stability or substantially alter soil moisture content.

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: Existing vegetation is typical of cleared forestland in the area of the proposed project. This area is brushy, with many small trees and abundant groundcover. The applicant plans to convert existing vegetation to lawn and garden. Noxious weeds are expected to be less apparent in this area with the development of lawn and garden. The proposed project should not result in the establishment or spread of noxious weeds.

Air quality

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

Determination: There is a potential impact to air quality if the irrigation pump is powered using a gas generator. The increased vehicular use of existing dirt roads will add to any existing dust problem. The dust added as a result of this development may be insignificant and is unlikely to cause any additional 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: SHPO File Search letter received 11/02/00. SHPO file search revealed no unique archeological or historical sites of record for the affected area.

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 to land, water or energy are foreseen.

HUMAN ENVIRONMENT

Locally adopted environmental plans and goals

Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: A 310 permit with mitigation plan has been issued to the applicant. The proposed project will be constructed in compliance with the 310 permit. There are no other locally adopted plans or goals for the project area.

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: This project is located entirely on private land and will not impact access to any recreational or wilderness activities. A review of the USGS topographic maps of the area indicates several trails in the area. The proposed project will not impact any of the local trails.

Human health

Assess whether the proposed project impacts on human health.

Determination: No negative impacts to human health resulting from this project are foreseen.

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 ? There might be an increase in tax revenues to Missoula County as a result of this development of existing private forestland to domestic use.
- (c) Existing land uses ? None.
- (d) Quantity and distribution of employment ? None
- (e) Distribution and density of population and housing ? An additional dwelling unit will be present after the applicant builds his house. A review of the Missoula County ownership plats indicates the smallest lot size in the area of the proposed project is 10 acres. No impacts.
- (f) Demands for government services ? There might be an increased demand for fire and police protection with this domestic development.

- (g) Industrial and commercial activity ? None
- (h) Utilities ? None
- (i) Transportation ? None
- (j) Safety ? None
- (k) Other appropriate social and economic circumstances ? None

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

Secondary impacts from the proposed project may include an increased demand for public services in a rural and relatively remote area. However, since the proposed project is being developed on private land that is surrounded by national forest and by Burlington Northern timberland, the increase in demand for public service should be minimal. The tax base for Missoula County may be increased slightly as a result of this development. The amount of private, non-timberland is limited in the proximity of the proposed project. No significant secondary impacts are identified as a result of the proposed project.

Possible cumulative impacts resulting from this proposed project in combination with other past or present actions by state, federal or private owners might include reduction of migration routes for threatened or endangered species, e.g., grizzly bear and/or lynx. Impacts to any threatened and endangered fishery found in Cooney Creek are addressed and mitigated by the conditions agreed to by the proponent in the approved 310 permit issued by Missoula County Conservation District. The Lolo National Forest has developed a management plan for the area of national forest near the proposed project. This report is referenced by SHPO in its response to DNRC inquiry. The report is titled, Cooney-McKay Resource Management Project. No significant impacts are identified as a result of the proposed project.

3. 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 to the proposed action are identified in this EA. The No Action alternative would deprive the applicant from developing a lawn and garden around his home.

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 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: Patrick J. Ryan

Title: Water Resource Specialist

Date: [Automatic date code removed]