

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:* CLAYTON AND DAWN CHRISTIAN  
3800 LINCOLN RD  
MISSOULA, MT 59802
  
2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT 76H-30028036
  
3. *Water source name:* RATTLESNAKE CREEK
  
4. *Location affected by project:* SWSWNE SECTION 11, T 13 N, R 19 W, MISSOULA CO.
  
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
THIS APPLICATION TO CHANGE A WATER RIGHT IS A REQUEST TO CHANGE THE PLACE OF USE OF TWO WATER RIGHTS WHICH ARE USED TO DIVERT WATER FROM RATTLESNAKE CREEK FOR IRRIGATION USE. THE APPLICANT IS REQUESTING TO RELOCATE A ONE-HALF INTEREST IN THE TWO WATER RIGHTS TO A ONE-ACRE PARCEL WHICH IS PART OF APPLICANT'S 20-ACRE PARCEL. THE APPLICANT IS REQUESTING TO USE 60 GPM, UP TO 2.2 ACRE-FEET. APPLICANT WOULD PUMP WATER FROM THE COBBAN DITCH TO A SPRINKLER SYSTEM FOR REQUESTED IRRIGATION THE REMAINING PORTION OF THE EXISTING WATER RIGHTS WOULD CONTINUE TO BE USED ON THE HISTORIC PLACE OF USE.  
  
THE DNRC SHALL ISSUE AN AUTHORIZATION TO CHANGE A WATER RIGHT IF THE APPLICANT PROVES THE CRITERIA IN §85-2-402, MCA ARE MET.
  
6. *Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)*

MONTANA NATURAL HERITAGE PROGRAM FOR THREATENED AND ENDANGERED PLANT AND ANIMAL INFORMATION  
STATE OF MONTANA HISTORICAL PRESERVATION OFFICE FOR CULTURAL INFORMATION  
MFISH WEBSITE FOR FISHERY AND WATER QUANTITY INFORMATION  
MTDEQ WEBSITE FOR WATER QUALITY INFORMATION

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
-----------------------------

#### **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:* NO SIGNIFICANT IMPACTS.

ACCORDING TO THE INFORMATION ON MFISH, THE MTDFWP WEBSITE, RATTLESNAKE CREEK IS NOT CURRENTLY CLASSIFIED AS DEWATERED. THE PROPOSED PROJECT IS NOT EXPECTED TO WORSEN THE EXISTING WATER QUANTITY SITUATION IN THE SOURCE OF SUPPLY.

**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:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT TO RELOCATE A PORTION OF THE PLACE OF USE WOULD NOT BE EXPECTED TO AFFECT WATER QUALITY. RATTLESNAKE CREEK IS LISTED ON THE MTDEQ CLEAN WATER ACT INFORMATION CENTER DATABASE. THE SUMMARY REPORT IDENTIFIES WATER QUALITY CATEGORY AS 4C- TMDL'S NOT REQUIRED NO POLLUTANT RELATED USE IMPAIRMENT IDENTIFIED.

**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:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT TO CHANGE THE PLACE OF USE OF TWO EXISTING WATER RIGHTS IS NOT EXPECTED TO HAVE AN IMPACT TO GROUNDWATER QUALITY.

**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:* NO SIGNIFICANT IMPACTS.

THE PROPOSAL INCLUDES ADDING A SECONDARY PUMPSITE ON THE COBBAN DITCH WITH A PUMP WITHDRAWING 60 GPM AT THAT POINT FOR IRRIGATION

USE ON A ONE-ACRE PARCEL OWNED BY THE APPLICANT. NO CHANGES ARE PLANNED OR EXPECTED AT THE HEADGATE DIVERSION ON RATTLESNAKE CREEK.

**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:* NO SIGNIFICANT IMPACTS.

THE MONTANA NATURAL HERITAGE PROGRAM PROVIDED INFORMATION ON THE FOLLOWING SPECIES OF SPECIAL CONCERN:

THE USFWS LT, USFS THREATENED AND USBLM SPECIAL STATUS BULL TROUT IS IDENTIFIED IN RATTLESNAKE CREEK.

THE USFS SENSITIVE AND USBLM SENSITIVE WESTSLOPE CUTTHROAT TROUT IS IDENTIFIED IN PIQUETT CREEK AND EAST FORK PIQUETT CREEK.

THE USFS AND USBLM SENSITIVE HARLEQUIN DUCK IS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT SITE.

WITHIN THE SEARCH AREA AROUND THE PROPOSED PROJECT SITE THE FOLLOWING SPECIES ARE REFERENCED: WESTERN SKINK, FLAMMULATED OWL, A CAVE OBLIGATE AMPHIPOD, WESTERN TOAD, MISSOULA PHLOX, A STONEFLY, SMOKY TAILDROPPER, GRASSHOPPER SPARROW, FRINGED MYOTIS, USFS SENSITIVE AND USBLM SENSITIVE FISHER, THE USFS SENSITIVE AND USBLM SENSITIVE WOLVERINE, THE USFWS LT, USFS THREATENED AND USBLM SPECIAL STATUS CANADA LYNX, THE USFWS LE, XN, USFS ENDANGERED AND USBLM SPECIAL STATUS GRAY WOLF, THE USFWS LT, USFS THREATENED AND USBLM SPECIAL STATUS BALD EAGLE, THE USFWS AND USFS THREATENED AND USBLM SPECIAL STATUS CANADA LYNX HABITAT AREA OF CONCERN INCLUDES THE PROPOSED PROJECT AREA.

***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 IMPACTS.

THERE ARE NO WETLANDS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT THAT WOULD BE AFFECTED.

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

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO PONDS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT THAT WOULD BE AFFECTED.

**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:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT IS NOT EXPECTED TO ALTER SOIL QUALITY, STABILITY OR 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:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT IS NOT EXPECTED TO CAUSE IMPACTS TO EXISTING VEGETATIVE COVER.

**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.

THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO CAUSE AIR POLLUTION.

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

*Determination:* NO SIGNIFICANT IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT AS LONG AS NO STRUCTURE THAT IS FIFTY OR MORE YEARS OLD IS ALTERED, NO CULTURAL INVENTORY IS WARRANTED FOR THE PROPOSED PROJECT. SHPO RECOMMENDATION LETTER IS IN THE APPLICATION FILE.

**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 IMPACTS.

## HUMAN ENVIRONMENT

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

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO LOCALLY ADOPTED ENVIRONMENTAL PLANS OR GOALS THAT WOULD PROHIBIT THE PROPOSED PROJECT.

**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:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WOULD NOT RESTRICT ACCESS TO RECREATIONAL OR WILDERNESS ACTIVITIES.

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

*Determination:* NO IMPACTS.

NO HUMAN HEALTH ISSUES ARE IDENTIFIED AS A RESULT OF THE PROPOSED PROJECT.

**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:*

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- |  |      |
|--|------|
| (a) <u>Cultural uniqueness and diversity?</u>                  | NONE |
| (b) <u>Local and state tax base and tax revenues?</u>          | NONE |
| (c) <u>Existing land uses?</u>                                 | NONE |
| (d) <u>Quantity and distribution of employment?</u>            | NONE |
| (e) <u>Distribution and density of population and housing?</u> | NONE |

- (f) Demands for government services? NONE
- (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 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:** OTHER THAN THE NO ACTION ALTERNATIVE THERE ARE NO REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT. THE NO ACTION ALTERNATIVE WOULD DISALLOW THE APPLICANT FROM RELOCATING THE USE OF A ONE-HALF INTEREST IN THE TWO EXISTING WATER RIGHTS FROM THE HISTORIC PLACE OF USE TO A NEW PLACE OF USE.

**PART III. Conclusion**

**1. Preferred Alternative**

**2. Comments and Responses**

**3. Finding:**

*Based on the significance criteria evaluated in this EA, is an EIS required?*

Yes\_\_\_ No X

*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 RYAN  
 Title: WATER RESOURCE SPECIALIST  
 Date: OCTOBER 3, 2007