

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:* Montana Department of Transportation, PO Box 201601, Helena MT 59620-1001
2. *Type of action:* Application for Beneficial Water Use Permit No. 30028818-76C
3. *Water source name:* McGinnis Creek
4. *Location affected by action:* W2 section 33, T 26N, R 28W, Lincoln County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicant wishes to divert water from McGinnis Creek during periods of high flows to fill and refresh 7 wetland cells to mitigate natural wetlands destroyed during the rebuilding of US Hwy 2. The reconstructed stream bank will spill water into the 7 cells only when water flows are high enough to overtop the stream banks. Water will pass downstream naturally at all other times of the year.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction) MT DFW&P, MT DEQ, MT Natural Heritage Program and the MT 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.

Determination: McGinnis Creek is not considered dewatered by MT DFW&P.

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: McGinnis Creek on not on the DEQ list for quality impaired streams.

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: This project should actually enhance the quantity and quality of ground water.

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: This project will be constructed during periods of low flows, however, due to the nature of the project, some temporary impacts will be seen while the project is being built. The contractor will have all applicable permits in place prior to the beginning of construction and will use BMPs to minimize impacts.

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: This project will create no migration barriers and may actually enhance habitat for species of special concern.

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: This will be a functional wetland once it is complete. At present it is a natural bottom hayfield. The project is designed to replace wetlands destroyed during highway construction.

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

Determination: Once completed, this project will create 21 new wetland ponds for wildlife and waterfowl including nesting islands to protect them from small predators.

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: The project may increase the soil moisture content however, this area is quite wet presently. No know areas of saline seep are in this region.

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: After construction, native species of grass, forbs, trees and shrubs will be planted as part of the reconstruction plan.

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.

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

Determination: There are no historic sites located on this property which will be disturbed.

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: None identified.

HUMAN ENVIRONMENT

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

Determination: This project is consistent with other local, state and federally mandated projects of this nature.

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 impacts

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

Determination: No impacts

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) Cultural uniqueness and diversity? None
 - (b) Local and state tax base and tax revenues? None
 - (c) Existing land uses? The property will no longer be used for hay or pasture since it will be covered with wetlands and ponds.
 - (d) Quantity and distribution of employment? None
 - (e) Distribution and density of population and housing? None
 - (f) Demands for government services? Slight if any.
 - (g) Industrial and commercial activity? None
 - (h) Utilities? None
 - (i) Transportation? Slight if any.
 - (j) Safety? People may be attracted to the wetlands unless they are posted.
 - (k) Other appropriate social and economic circumstances? None identified.
2. ***Secondary and cumulative impacts on the physical environment and human population:*** No secondary or cumulative impacts were identified in this EA.
3. ***Describe any mitigation/stipulation measures:*** This project is part of a mitigation plan.
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:*** This is the only alternative considered.

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: Because no secondary or cumulative impacts were identified in the EA, the EA is the appropriate level of analysis for the action.

Name of person responsible for preparation of EA:

Name: Wes McAlpin

Title: Water Resources Specialist, Kalipell RO DNRC

Date: