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*: WYE AREA WATER COMPANY LLC
9300 CARTAGE RD
MISSOULA, MT 59808

2. *Type of action*: APPLICATION TO CHANGE A WATER RIGHT 76M-30042897

3. *Water source name*: GRANT CREEK AND GROUNDWATER

4. *Location affected by project*: GRANT CREEK IN SECTIONS 5. 6. & 7, T13N, R19W, SECTION 1, T13N, R20W AND SECTION 21, T14N, R20W, 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 PURPOSE OF TWO GRANT CREEK IRRIGATION WATER RIGHT AND A GROUNDWATER WATER RIGHT PERMIT TO MITIGATION.

THE PURPOSE OF THE WATER RIGHT CHANGE APPLICATION IS TO MITIGATE PREDICTED NET STREAM DEPLETION THAT WOULD OCCUR FROM USE OF TWO GROUNDWATER WELLS DESCRIBED BY PENDING PERMIT APPLICATION 76M-30027375. THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE OF A PORTION OF TWO EXISTING GRANT CREEK WATER RIGHTS AND ALL OF THE GROUNDWATER PERMIT. THE APPLICANT WOULD REMOVE ALL THE IRRIGATION ACRES FROM THEIR 75% OWNERSHIP SHARE OF WATER RIGHT 76M-28568-00 AND ALL THE IRRIGATION ACRES FROM THEIR 90% SHARE OF WATER RIGHT 76M-1057 AND RETIRE THE TWO WELLS PERMITTED BY WATER RIGHT 76M-108703. ALL THE FLOW RATE AND CONSUMED VOLUME OF THE THREE WATER RIGHTS OWNED BY THE APPLICANT WOULD BE CHANGED TO MITIGATION.

THE REACH OF GRANT CREEK THAT WOULD BE AFFECTED IS LOCATED DOWNSTREAM OF THE HISTORIC DIVERSIONS OF THE TWO GRANT CREEK WATER RIGHTS. THE AREA AFFECTED BY RETIRING THE PERMITTED WELL IS LOCATED IN THE VICINITY OF THE PROPOSED NEW DIVERSION.

THE REACH THAT WOULD BENEFIT FROM THE MITIGATION WATER IS THE CLARK FORK RIVER BEGINNING AT A POINT NEAR THE CONFLUENCE WITH

THE BITTERROOT RIVER APPROXIMATELY 11 MILES DOWNSTREAM TO A POINT NEAR FRENCHTOWN, MT.

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 – SEE EA FOR APPLICATION 76M-30027375.
STATE OF MONTANA HISTORICAL PRESERVATION OFFICE FOR CULTURAL INFORMATION
DFWP MFISH WEBSITE FOR DEWATERING CONCERNS, FISH SPECIES

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: NO SIGNIFICANT IMPACTS.

INFORMATION FROM MFISH WEBSITE INSERTED BELOW IDENTIFIES GRANT CREEK AS CHRONICALLY DEWATERED.

Area Affected: (Mile 0.0) to (River Mile 5.0) Chronic Dewatering

Dewatered Stream Section Data Source:
Created 1991/updated 1997, 2003, and 2005 by MFWP fisheries biologists. Streams that support important or contribute to important fisheries that are significantly dewatered by man-caused flow depletions. Chronic: dewatering is a significant problem in virtually all years; Periodic: dewatering is a significant problem only in drought or water-short years.

THE PROPOSED CHANGE TO A PORTION OF GRANT CREEK WATER RIGHTS 76M-28568-00 AND 76M-1057-00 TO BE CHANGED FROM IRRIGATION TO MITIGATION IS EXPECTED TO LESSEN ANY DEWATERING CONCERNS.

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.

THIS PROPOSAL TO CHANGE TWO IRRIGATION WATER RIGHTS AND A GROUNDWATER PERMIT TO MITIGATION OF PREDICTED NET DEPLETIONS TO THE CLARK FORK RIVER FROM PENDING WATER USE PERMIT APPLICATION 76H-30027375 WOULD NOT BE EXPECTED TO AFFECT WATER QUALITY. NO WATER WILL BE DISCHARGED TO ANY WATER SOURCE AS A RESULT OF THIS APPLICATION.

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.

IMPACTS TO GROUNDWATER RESOURCES ARE NOT EXPECTED AS A RESULT OF THIS PROPOSAL TO MITIGATE PREDICTED NET DEPLETIONS TO TRHE CLARK FORK RIVER.

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.

THIS PROPOSAL IS TO MITIGATE PREDICTED NET DEPLETIONS TO THE CLARK FORK RIVER FROM PROPOSED USE OF GROUNDWATER BY RETIRING A PORTION OF THE EXISTING IRRIGATION USE OF TWO EXISTING WATER RIGHTS AND RETIRING USE OF TWO WELLS WOULD REQUIRE NO ADDITIONAL DIVERSION WORKS. THE APPLICANT HAS INDICATED THAT EXISTING DIVERSION WORKS WOULD BE ADJUSTED AND MAY ULTIMATELY BE DISMANTLED SO THE MITIGATION WATER WOULD REMAIN IN-STREAM.

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 PROPOSED PROJECT WILL NOT IMPACT ANY THREATENED OR ENDANGERED FISH, WILDLIFE, PLANTS OR AQUATIC SPECIES. THERE WILL BE NO CONSTRUCTION, SOIL DISTURBANCES, OR OTHER PHYSICAL ALTERATIONS TO THE LANDSCAPE RESULTING FROM THE PROPOSED CHANGE IN WATER USE. THE PROPOSED PROJECT WILL NOT DECREASE THE AMOUNT OF WATER FLOWING IN GRANT CREEK. THE PURPOSE OF THE PROJECT IS TO LEAVE WATER IN THE

STREAM TO MITIGATE PREDICTED DEPLETIONS TO A REACH OF THE CLARK FORK RIVER THAT WOULD OCCUR FROM USE OF TWO WELL BY WYE AREA WATER COMPANY. THE PROPOSED PROJECT MAY PROMOTE CONNECTIVITY OF THE LOWER REACHES OF GRANT CREEK WITH THE CLARK FORK RIVER AND THEREFORE BENEFIT FISH MIGRATIONS.

THE MONTANA NATURAL HERITAGE PROGRAM FILE SEARCH CONDUCTED FOR A PROJECT IN THE VICINITY OF THE PRESENT PROPOSAL INDICATED SEVERAL PLANT AND ANIMAL SPECIES OF CONCERN OCCUR IN THE VICINITY OF THE PROPOSED PROJECT. THE MISSOULA PHLOX, A STONEFLY, FRINGED MYOTIS, WESTSLOPE CUTTHROAT TROUT AND BULL TROUT IN GRANT CREEK AND THE LYNX ARE SHOWN AS PRESENT WITHIN THE AREA AFFECTED BY THIS PROPOSED PROJECT. THE PROJECT IS NOT EXPECTED TO IMPACT ANY OF THESE IDENTIFIED 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 SIGNIFICANT IMPACTS.

THERE ARE NO WETLANDS 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 ASSOCIATED WITH THE PROPOSED PROJECT.

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.

SOIL STABILITY, QUALITY AND MOISTURE CONTENT WOULD NOT CHANGE AS A RESULT OF THE PROPOSED PROJECT.

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.

EXISTING VEGETATIVE COVER WOULD NOT CHANGE AS A RESULT OF THE PROPOSED PROJECT.

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

Determination: NO SIGNIFICANT 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: NO SIGNIFICANT IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT WHEN THERE IS TO BE NO ADDITIONAL GROUND DISTURBANCE RESULTING FROM THE PROPOSED PROJECT, NO CULTURAL INVENTORY IS WARRANTED. THE PRESENT PROPOSED PROJECT WOULD NOT CAUSE ANY ADDITIONAL GROUND DISTURBANCE.

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 SIGNIFICANT 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.

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.

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

Determination: NO SIGNIFICANT 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?	NONE
(d) Quantity and distribution of employment?	NONE
(e) Distribution and density of population and housing?	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 IN THIS EA.

Cumulative Impacts NONE IDENTIFIED IN THIS EA.

3. *Describe any mitigation/stipulation measures:*
NONE IDENTIFIED IN THIS 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:* THERE ARE NO OTHER REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT. THE NO ACTION ALTERNATIVE WOULD DISALLOW THE APPLICANT FROM CHANGING THE PURPOSE, POINT OF DIVERSION AND PLACE OF USE OF THE AFFECTED WATER RIGHTS TO MITIGATION OF PREDICTED DEPLETION TO THE CLARK FORK RIVER FROM USE OF THE GROUNDWATER WELLS PROPOSED BY PENDING PERMIT APPLICATION 76M-30027375.

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: DECEMBER 16, 2008