

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:* RUSSELL PROPERTIES LP & DMR INC
PO BOX 662
MILLTOWN, MT 59851

2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT 76G-30043398

3. *Water source name:* CLARK FORK RIVER

4. *Location affected by project:* SECTIONS 1 AND 2, T12N, R18W AND SECTION 35, T13N, R18W, MISSOULA CO.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THIS CHANGE APPLICATION IS A REQUEST TO CHANGE THE HISTORIC POINT OF DIVERSION OF WATER RIGHT 76G-15408-00 FROM A HEADGATE ON THE CLARK FORK RIVER LOCATED IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 1, T12N, R18W TO TWO GROUNDWATER PIT EXCAVATIONS LOCATED APPROXIMATELY 1,000 FEET EAST OF THE CLARK FORK RIVER IN THE W $\frac{1}{2}$ SE $\frac{1}{4}$ SECTION 35, T13N, R18W.. ALSO, TO CHANGE THE PLACE OF USE FROM THE HISTORIC 8.6-ACRE PLACE OF USE LOCATED IN THE S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SECTION 2, T12N, R18W TO THE RUSSELL PROPERTIES LP AND DMR INC NEW 8.6-ACRE PLACE OF USE LOCATED IN THE W $\frac{1}{2}$ SE $\frac{1}{4}$ SECTION 35, T13N, R18W. THE HISTORIC AND NEW PLACES OF USE AND HISTORIC AND NEW POINTS OF DIVERSION ARE GENERALLY LOCATED NEAR TURAH, WEST OF INTERSTATE 90 IN THE UPPER CLARK FORK RIVER DRAINAGE.

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
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.

A SEARCH OF THE MT FWP MFISH WEBSITE INDICATES THE SECTION OF THE CLARK FORK RIVER WITH POTENTIAL IMPACTS FROM THE PROPOSED PROJECT IS DOWNSTREAM OF THE IDENTIFIED DEWATERED SECTIONS. THE PROPOSED PROJECT IS EXPECTED TO MINIMALLY REDUCE STREAMFLOWS BETWEEN OCTOBER THROUGH APRIL AND INCREASE STREAMFLOWS DURING MAY THROUGH SEPTEMBER.

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 THE POINT OF DIVERSION AND PLACE OF USE FOR IRRIGATION IS NOT EXPECTED TO AFFECT WATER QUALITY.

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.

MINOR IMPACTS TO GROUNDWATER MAY OCCUR AS A RESULT OF PUMPING WATER FROM THE PROPOSED PITS. THE IMPACTS TO GROUNDWATER DIVERSIONS WITHIN 1 MILE OF THE PROPOSED PITS IS IDENTIFIED AS LESS THAN 0.1 FEET OF DRAWDOWN.

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 CEASE DIVERTING WATER THROUGH A HEADGATE ON THE CLARK FORK RIVER AND TO USE TWO PUMPS TO DIVERT WATER AT A COMBINED RATE OF 110 GPM FROM TWO EXCAVATED PITS.

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.

THE MONTANA NATURAL HERITAGE PROGRAM FILE SEARCH CONDUCTED FOR THIS PROJECT PROPOSAL INDICATED SEVERAL PLANT AND ANIMAL SPECIES OF CONCERN OCCUR IN THE VICINITY OF THE PROPOSED PROJECT.

THE VERTEBRATE ANIMALS WESTERN SKINK, GRAY WOLF, BALD EAGLE, WESTSLOPE CUTTHROAT TROUT, BULL TROUT, FISHER, WOLVERINE AND CANADA LYNX ARE IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

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.

THE PROPOSAL IS TO PUMP THE WATER FROM TWO EXCAVATED PITS FOR IRRIGATION PURPOSES. THE EXISTING PITS ARE LOCATED ON THE APPLICANT'S PROPERTY AND THE INFORMATION PROVIDED INDICATES THAT THE WATER IN THE PITS WOULD NOT BE SIGNIFICANTLY DIMINISHED. USE OF THE PITS BY EXISTING WILDLIFE IS LIMITED DUE TO THE CURRENT DEVELOPMENT NEARBY.

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 AT THE PROPOSED NEW PLACE OF USE WOULD CHANGE TO IRRIGATED CROPS 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) <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) <u>Demands for government services?</u> | NONE |
| (g) <u>Industrial and commercial activity?</u> | NONE |
| (h) <u>Utilities?</u> | NONE |
| (i) <u>Transportation?</u> | NONE |
| (j) <u>Safety?</u> | NONE |
| (k) <u>Other appropriate social and economic circumstances?</u> | 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 POINT OF DIVERSION AND PLACE OF USE OF AN EXISTING WATER RIGHT.

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: APRIL 9, 2009