

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:* PATRICIA SKERGAN
JIM HELMER
436 S 3RD W
MISSOULA, MT 59801
2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT 76H-30046210
3. *Water source name:* GROUNDWATER
4. *Location affected by project:* NWNWNW SECTION 9, T9N, R20W, RAVALLI 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 AN EXISTING GROUNDWATER WATER RIGHT FROM DOMESTIC AND LAWN IRRIGATION TO MITIGATION.

THE PURPOSE OF THE WATER RIGHT CHANGE APPLICATION IS TO MITIGATE PREDICTED NET SURFACE WATER DEPLETIONS TO THE BITTERROOT RIVER THAT WOULD OCCUR FROM USE OF A GROUNDWATER WELL DESCRIBED BY PENDING PERMIT APPLICATION 76H-30046211. THE APPLICANT PROPOSES TO CHANGE THE PURPOSE AND PLACE OF USE OF THE EXISTING WATER RIGHT. THE APPLICANT PROPOSES TO RETIRE ALL EXISTING USES FROM THE CURRENTLY DECOMMISSIONED WELL DESCRIBED IN THE NON FILED WATER PROJECT ADDENDUM WHICH ACCOMPANIED THE CHANGE APPLICATION. ALL THE FLOW RATE AND CONSUMED VOLUME OF THE EXISTING WATER RIGHT WOULD BE CHANGED TO MITIGATION.

THE MITIGATION WATER WOULD BE MADE AVAILABLE TO THE REACH OF THE BITTERROOT RIVER THAT WOULD BE AFFECTED BY THE PROPOSED GROUNDWATER USES DESCRIBED IN PERMIT APPLICATION 76H-30046211. THE AFFECTED REACH IS LOCATED NEAR MISSOULA APPROXIMATELY 9 MILES IN LENGTH BETWEEN A POINT IN THE W¹/₂ SECTION 23, T12N, R20W AND A POINT DOWNSTREAM IN THE E¹/₂ SECTION 27, T13N, R20W.

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.

THIS PROPOSAL IS INTENDED TO MITIGATE THE PREDICTED DEPLETIONS TO THE BITTERROOT RIVER FROM USE OF THE A WELL DESCRIBED IN PENDING WATER USE PERMIT APPLICATION 76H-30046211 WATER PREVIOUSLY DIVERTED FROM THE RETIRED WELL WILL ENTER THE BITTERROT RIVER ADDING WATER TO THE RIVER THAT WILL ADDRESS THE IMPACTS PREDICTED FROM PERMIT APPLICATIION 76H-30046211.

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 EXISTING WATER RIGHT FROM EXISTING USES TO MITIGATION OF PREDICTED NET DEPLETIONS TO THE BITTERROOT RIVER FROM PENDING WATER USE PERMIT APPLICATION 76H-30046211 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 THE BITTERROOT 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 BITTERROOT RIVER FROM PROPOSED USE OF GROUNDWATER BY RETIRING USE OF AN EXISTING DOMESTIC WELL REQUIRES NO ADDITIONAL DIVERSION WORKS. THE APPLICANT HAS INDICATED THAT THE EXISTING DIVERSION WORKS IS PRESENTLY DECOMMISSIONED SO THE MITIGATION WATER WOULD NOT BE DIVERTED FOR OTHER PURPOSES

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

WESTERN TOAD, BLACK-CROWNED NIGHT-HERON, BALD EAGLE, LEWIS’S WOODPECKER, BOBOLINK, WESTSLOPE CUTTHROAT TROUT, BULL TROUT, TOWNSEND’S BIG-EARED BAT, GRAY WOLF, FISHER, WOLVERINE, SPOTTED SKUNK, CANADA LYNX AND WESTERN SKINK.

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) <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) 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 AND PLACE OF USE OF THE AFFECTED WATER RIGHT TO MITIGATION OF PREDICTED DEPLETION TO THE BITTERROOT RIVER FROM USE OF THE GROUNDWATER WELL PROPOSED BY PENDING PERMIT APPLICATION 76H-30046211.

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 2, 2009