

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, State of Board of Land Commissioners, DNRC Trust Land Management Division, PO Box 201601, Helena MT 59620
2. *Type of action:* Application for Beneficial Water Use Permit 76N-30045046
3. *Water source name:* McGregor Lake
4. *Location affected by action:* NE4SW4NE4 of Section 16, Township 26N, Range 25W, Flathead County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
DNRC shall issue a water use permit if the applicant meets the criteria in 85-2-311 MCA.

This application is to divert surface water from January 1 to December 31 inclusive each year at a rate of 21 gpm up to 1.32 acre-feet for one domestic use and lawn and garden for Lot 11 of McGregor Lake. Applicant's point of diversion will be from McGregor Lake which is in the Thompson River drainage which flows into the Clark Fork just east of Thompson Falls.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana State Historical Society
Natural Resources and Conservation Service soil maps
Montana Department of Environmental Quality
United States Fish and Wildlife Wetland Mapper

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: The source is not identified as chronically or periodically dewatered by DFWP.

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: McGregor Creek is listed by the DEQ as having flow alterations and siltations as impaired uses with further data needing to be collected. Causes of these impairments seem to be caused by hydrostructure flow regulation/modification; therefore it would seem that this appropriation for 21 gpm and 1.32 acre-feet of water from McGregor Lake would not likely increase impairment of the source. There also seems to be an issue with phosphorus, probably caused by irrigated crop production; which this minimal use should not attribute to.

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: N/A

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: Installation of pump and distribution line should not impact the above. No impact.

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: The Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project. They identified the following animal and plant species that are threatened, or have special status, that are located regionally: Gray Wolf, Canada Lynx, Wolverine, Fisher, Northern Goshawk, Common Loon, Bald Eagle, and Westslope Cutthroat Trout. These species are found throughout this region and not necessarily at this particular spot. No immediate impact.

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 property is not located within a designated wetland boundary.

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

Determination: No pond. No impact.

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 impact to soil quality or alteration of soil stability is expected.

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 impact.

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 are anticipated.

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

Determination: The Montana Historical Society was contacted. They feel that there is a low likelihood cultural properties will be impacted. According to their records, there have been no previously recorded sites within the designated area. No impact.

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 other impacts were identified during this EA.

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 subdivision appears to be in compliance with the Flathead County Planning Office.

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 impact expected

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

Determination: No impact expected.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No XX_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

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 identified
 - (b) Local and state tax base and tax revenues? State revenues will increase with this asset added to the lease lot.
 - (c) Existing land uses? None
 - (d) Quantity and distribution of employment? None
 - (e) Distribution and density of population and housing? Standard growth impacts
 - (f) Demands for government services? Developmental/growth impacts
 - (g) Industrial and commercial activity? None identified
 - (h) Utilities? Greater demand for electricity and natural gas
 - (i) Transportation? Not significant.
 - (j) Safety? Not significant.
 - (k) Other appropriate social and economic circumstances? None identified
2. **Secondary and cumulative impacts on the physical environment and human population:** None expected
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:** No reasonable alternatives identified

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 significant impacts were identified, this EA is the appropriate level of analysis.

Name of person responsible for preparation of EA:

Name: Kathy Olsen

Title: Water Resources Specialist

Date: February 12, 2010