

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: Church Universal and Triumphant Inc.
63 Summit Way
Gardiner, MT 59030-9314
2. Type of action: Application to change a water right # 43B-30052465
(Statement of Claims: 43B-122557-00
43B-1225560-00, 43B-1225561)
3. Water source name: North Fork of Fridley Creek
4. Location affected by project: A portion of the North Fork of Fridley Creek starting in the NWNWSE of Section 31, including the N2 of Section 32 and the W2 of Section 33 and ending at a point in the SESWNW of Section 33, all located in T05N, R08E, Park County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Church Universal and Triumphant (Applicant) proposes to change the purpose and place of use of Statement of Claim Nos. 43B-122557-00, 43B-122560-00, and 43B-122561-00 to instream fishery and leave instream up to 4.38 CFS from April 28 to April 30 and 5.63 CFS from May 1 to October 15. The full protected reach stretches from NWNWSE of Section 31, T05S, R08E, Park County, to the SESWNW of Section 33, T05S, R08E, Park County. At POD No.1, located in the NWNWSE of Section 31, T05S, R08E, Park County, a protectable diverted volume of up to 527.29 AF is granted for fishery protection. In reach No. 1 between POD No.1 and POD No. 2, located in the NWSNW of Section 32, T05S, R08E, Park County, a protectable volume of 435.58 AF is granted for instream fishery protection. In reach No. 2 between POD No.2 and the end of the reach, located in the SESWNW of Section 33, T05S, R08E, Park County, a volume of 168.79 AF is granted for instream fishery protection. Reach No. 1 is approximately 0.9 mile and reach No. 2 is approximately 1.0 mile, the total protected reach is approximately 1.9 miles. If approved, the Applicant may protect water for instream flow based on the period of diversion for the water rights being changed. The Applicant would no longer irrigate the historic place of use with surface water diversionary water rights, as these would be changed to instream flow. The temporary change is for a period of 10 years upon approval with the option to renew when the ten-year time period comes to an end.

The DNRC shall issue an Authorization to Change if the criteria in 85-2-402, MCA are met.

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

Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
MT DFWP - Dewatered Streams List

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 impact identified

The North Fork of Fridley Creek is on the Montana Department of Fish, Wildlife and Parks Dewatered Concern Area List. This application was filed by the Applicant to leave water in Fridley Creek for the benefit of the fishery resource.

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 impact identified

The North Fork of Fridley Creek has not been listed on the DEQ, 303(d) list. Water quality will not be impacted by this project.

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 impact identified

The change in purpose from irrigation to instream will not create a significant impact to groundwater resources.

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 impact identified.

Water will be left instream to benefit the fishery resource, with no new construction.

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 impact identified.

The Montana Natural Heritage Program was contacted. The listed species of concern for this area is the Atriplex truncata or the Wedge-leaved Saltbrush. Additionally, the Gray Wolf, Wolverine, Elk, and Grizzly Bear may be found near this area. The North Fork of Fridley Creek has been identified as supporting Yellowstone Cutthroat and Rainbow Trout in the project area. These species may benefit from leaving water instream for the fishery resource.

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 impact identified.

No existing wetlands were identified.

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

Determination: No impact identified.

This project does not involve a pond.

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 impact identified.

The change in purpose from irrigation to instream will not create a significant impact to the soil quality.

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 impact identified.

The change in purpose from irrigation to instream will not create a significant impact to the existing vegetation cover.

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

Determination: No impact identified.

There should be no significant impact on air quality relating to this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: NA-project not located on State or Federal Lands.

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 impact identified.
No additional impacts on other environmental resources were 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: No impact identified.
The proposed project is not inconsistent with locally adopted environmental plans or goals. The project supports the instream fishery resource

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 identified.
The project is located on private land. No impacts identified.

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

Determination: No impact identified.
No impact to human health expected.

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: No impacts identified

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?*

No impact identified.

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| (b) | <i>Local and state tax base and tax revenues?</i> | No impact identified. |
| (c) | <i>Existing land uses?</i> | No impact identified. |
| (d) | <i>Quantity and distribution of employment?</i> | No impact identified. |
| (e) | <i>Distribution and density of population and housing?</i> | No impact identified. |
| (f) | <i>Demands for government services?</i> | No impact identified. |
| (g) | <i>Industrial and commercial activity?</i> | No impact identified. |
| (h) | <i>Utilities?</i> | No impact identified. |
| (i) | <i>Transportation?</i> | No impact identified. |
| (j) | <i>Safety?</i> | No impact identified. |
| (k) | <i>Other appropriate social and economic circumstances?</i> | No impact identified. |

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts to the human population and physical environment have been identified.

3. *Describe any mitigation/stipulation measures:* No mitigation measures have been identified at this time.

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 mitigation measures have been identified at this time.

PART III. Conclusion

1. *Preferred Alternative* The preferred alternative is the proposed alternative

2. *Comments and Responses* None received.

3. *Finding:*
Yes___ No_x__ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

Name of person(s) responsible for preparation of EA:

Name: Porter Dassenko
Title: Water Resource Specialist
Date: 11/07/2012

