

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **Hassan & Donna Massouh  
309 N Ewing  
Helena, MT 59601-4016**
2. Type of action: **Authorization to Change a Water Right No. 411-30018361  
(Statement of Claim Nos. 411 2140)**
3. Water source name: **Jackson Creek**
4. Location affected by action: **SWSW Sec 19 and NWNW Sec 30 Twp 9N Rge 3W,  
Jefferson Co.**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:

**The application is proposing to change a portion of the existing water right (411 21040) from irrigation to onstream fish and wildlife and recreation ponds (i.e. evaporation). The point of diversion will remain in the SWSWSW Sec 19 Twp 9N Rge 3W, where a 2-inch pipe draws water from a pond located at the point of diversion. The water right has been historically used to sprinkler irrigate approximately 11 acres of pasture in the SWSW Sec 19 and NWNW Sec 30 Twp 9N Rge 3W, Jefferson Co. at a rate of 62 gallons per minute.**

**The applicant proposes to remove 0.5 acres of irrigation to compensate for evaporation lost from the three onstream ponds. The three ponds have a total surface area of 0.76 acres, and the anticipated net evaporation loss would be 1.52 acre-feet. Approximately 2.2 gallons per minute will be needed to account for evaporation. The remaining 59.8 gallons per minute will continue to be used in the SWSW Sec 19 and NWNW Sec 30 Twp 9N Rge 3W, Jefferson Co. to irrigate 10.5 acres of pasture.**

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

**MT Natural Heritage Program - Species of Concern, T/E  
MT Dept. of Environmental Quality - 2004 Montana Water Quality Integrated Report  
MT Dept. of Fish, Wildlife and Parks - Montana Fisheries Information System  
The Montana Noxious Weed Survey and Mapping System**

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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 impact.**

**Jackson Creek, the source of supply is not listed by DFWP as chronically dewatered. This water right change should not have any affect on the availability of water in this source as the historic diversion amount will remain the same.**

**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 impact.**

**Jackson Creek is not listed on the DEQ Montana 303(d) list. The proposed project should not 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 impact to groundwater quality or supply.**

**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 impact.**

**The proposed means of diversion is an existing diversion pipe on an existing pond on Jackson Creek. The pipeline from the diversion to the place of use is already in existence. The applicant will be required to mitigate impacts to the stream during excavation of the ponds. The applicant has submitted a *Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains and Other Water Bodies* to the Jefferson County Conservation District for a 310 permit and the US Army Corps of Engineers for a 404 permit.**

#### **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 impact.**

The MT Natural Heritage Program identified *Felis lynx* (Lynx) as a species of special concern in the vicinity of the project. It is unlikely that the proposed project would have any impact on Lynx habitat. The Agapetus Caddisfly was also identified as a species of special concern within the project area. Installation of the ponds will temporarily disrupt habitat for the Agapetus Caddisfly, but the habitat will be restored when the ponds are filled.

**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 impact. There are no wetlands in the area of the proposed change.**

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

Determination: **No significant impact. If the proposed change is approved it will have a positive impact on existing wildlife, waterfowl, and fisheries. The proposed change is to create three small instream ponds.**

**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.**

**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.**

**The Montana Noxious Weed Survey and Mapping System identified Spotted Knapweed and Dalmation Toadflax in the project vicinity. There would be some disturbance to soils with the excavation of the ponds. The landowner is responsible for controlling any establishment of noxious weed as a result of disturbance.**

**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 impact.**

**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 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: **None 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 significant impact.**

**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 impact.**

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

Determination: **No significant impact.**

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

2. Secondary and cumulative impacts on the physical environment and human population: **No adverse secondary or cumulative impacts were identified. The proposed project will use an existing buried pipeline.**
3. Describe any mitigation/stipulation measures: **Construction of the ponds within the existing stream channel will be done under regulations outlined in the 310 and 404 permits. After the completion of the project disturbed ground will be seeded. Because the ponds are onstream impoundments flow will not be controlled. Water will flow into the ponds and then spill out via an uncontrolled spillway.**
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: **Under the no action alternative irrigation would continue to be used as it is today. There do not appear to be alternatives other than no action.**

### **PART III. Conclusion**

1. Preferred Alternative: **Issue the authorization for the proposed project.**
2. Comments and Responses: **There have been no comments or responses.**
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: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

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

Name: Eric Chase

Title: Water Resource Specialist

Date: February 8, 2006