

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 WATER TRUST
218 S 6TH ST E
MISSOULA, MT 59801

2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT
76H-30017372

3. *Water source name:* LOLO CREEK

4. *Location affected by project:* LOLO CREEK FROM ITS CONFLUENCE WITH THE BITTERROOT RIVER UPSTREAM APPROXIMATELY 5 MILES TO THE LOCATION OF THE POINT OF DIVERSION OF THE WATER RIGHT BEING CHANGED IN THE SENWNW SECTION 6, T 11 N, R 20 W, MISSOULA COUNTY.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THIS IS AN APPLICATION TO CHANGE THE PURPOSE AND PLACE OF USE OF AN IRRIGATION WATER RIGHT TO INSTREAM FLOW FOR THE BENEFIT OF THE FISHERIES RESOURCE IN LOLO CREEK. THE 44-ACRE IRRIGATED PLACE OF USE HAS BEEN SUBDIVIDED INTO RESIDENTIAL LOTS. THE HEADGATE AND CONVEYANCE DITCH FOR THIS WATER RIGHT HAVE BEEN REMOVED AND OBLITERATED. THE APPLICANT HAS IDENTIFIED THE FLOW RATE AND CONSUMED VOLUME THAT IS TO REMAIN IN LOLO CREEK FOR INSTREAM USES.

THE DNRC SHALL ISSUE AN AUTHORIZATION TO CHANGE A WATER RIGHT IF THE APPLICANT PROVES THE CRITERIA IN §85-2-402, 85-2-407 AND 85-2-408 MCA ARE MET.

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

STATE HISTORICAL PRESERVATION OFFICE
MONTANA NATURAL HERITAGE PROGRAM
MONTANA ENVIRONET WEBSITE FOR WATER QUALITY
MONTANA FISHERIES INFORMATION SYSTEM WEBSITE

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 IMPACTS.

THIS PROPOSAL IS TO ENHANCE IN-STREAM FLOW FOR FISHERIES RESOURCES. THE NET RESULT WOULD BE TO ESTABLISH A GREATER FLOW IN LOLO CREEK THAN WHEN THIS WATER RIGHT WAS BEING DIVERTED.

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.

AFTER CONSULTATION WITH THE MONTANA NATURAL HERITAGE PROGRAM, THE FOLLOWING SPECIES ARE IDENTIFIED AS OCCURRING IN THE VICINITY OF THE PROPOSED PROJECT.

CAREX SOPERIA (POINTED BROOM SAGE)

LYNX CANADENSIS (LYNX)

CONTOPIS COOPERI (OLIVE-SIDED FLYCATCHER)

SALVELINUS CONFLUENTUS (BULL TROUT)

OREOHELIX AMARIRADIX (BITTERROOT MOUNTAIN SNAIL)

CYPRIPEDIUM PARVIFLORUM (SMALL YELLOW LADY'S SLIPPER)

THERE ARE NO EFFECTS TO THESE SPECIES THAT WOULD OCCUR FROM THE PROPOSAL.

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 IMPACTS.

THERE ARE NO WETLANDS IN THE PROJECT AREA THAT WOULD BE IMPACTED BY THE PROPOSAL.

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

Determination: NO IMPACTS.

THERE ARE NO PONDS IN THE PROJECT AREA THAT WOULD BE AFFECTED BY THIS PROPOSAL.

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.

THIS PROPOSAL WOULD CHANGE AN IRRIGATION WATER RIGHT TO IN-STREAM FLOW FOR FISHERIES. THE ORIGINAL PLACE OF USE IS BEING SUBDIVIDED INTO RESIDENTIAL LOTS. STREETS, LAWNS, DRIVEWAYS AND HOMES WILL REPLACE IRRIGATED FIELDS.

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.

VEGETATIVE COVER WILL CHANGE FROM IRRIGATED FIELDS TO RESIDENTIAL LOTS. THE RESULTING LAND USE WOULD BE EXPECTED TO REDUCE THE POSSIBILITY FOR THE SPREAD OF WEEDS.

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.

CHANGING AN IRRIGATION WATER RIGHT TO IN-STREAM FLOW WOULD NOT AFFECT AIR QUALITY.

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.

BASED ON THE PROVIDED DESCRIPTION OF THE PROPOSAL, SHPO HAS NO RECOMMENDATION FOR CONDUCTING A CULTURAL RESOURCE INVENTORY.

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 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 IMPACTS.

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

Determination: NO IMPACTS.

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

Yes___ No___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: NO IMPACTS.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

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|--|------|
| (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) 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.

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 TEMPORARILY CHANGING THE PURPOSE OF THE REFERENCED WATER RIGHTS FROM IRRIGATION TO IN-STREAM FLOW FOR FISHERIES.

PART III. Conclusion

1. Preferred Alternative NOT APPLICABLE

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: FEBRUARY 17, 2006