

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:* Joseph O. Duvey  
PO Box 817  
Thompson Falls, MT 59873
2. *Type of action:* Application for Beneficial Water Use Permit 76N 30019453
3. *Water source name:* Clark Fork River
4. *Location affected by action:* NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 16, Township 21N, Range 29W, Sanders County. Lot 40, Salish Shore No. 1
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicant is seeking a water use permit to pump water for lawn and garden irrigation on .40 acre from the Clark Fork River. Irrigation of turf creates a permanent grass cover found on home lawns, parks, golf courses, recreation areas, schools, hospitals, and airports. As of 1983 it was estimated that 10,000,000 acres of turf in the United States is exclusive of home lawns. The applicant will benefit by stopping noxious weeds, like knapweed by caring for the lawn. It will further reduce the demand on the community water system for Salish Shores Subdivision.
6. *Agencies consulted during preparation of the Environmental Assessment:*  
*(include agencies with overlapping jurisdiction)*

Fish, Wildlife & Parks  
Green Mountain Conservation District  
Montana Natural Heritage Program

**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.

**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:* This segment of the Clark Fork River is identified on the Montana 303(d) list as impaired and threatened. It shows only partial support for cold-water fish. It does not support drinking but does fully support swimming, recreation, agriculture and industry, which is commensurate to this requested action. The requested flow rate of 19 gpm is .000002% of average available river flows. This is imperceptible relative to the river flow and will 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:* The use of water at the proposed rate of 19 gpm from the Clark Fork River will not impact groundwater quality or supply. Two modes of interaction between the deep aquifer and this surface water source are possible: 1) the river might serve as a recharge boundary, horizontally feeding to or receiving water from the aquifer; or 2) the system might be "leaky" in that exchanges of water with surface sources occur as vertical percolation through intervening low permeability formations. In either case, the appropriation is imperceptible when compared to the river flow at the point of diversion or the aquifer storage underlying the geographic area.

**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:* A 1-horsepower pump will divert water from the Clark Fork River at a rate of 19 gpm. The amount of water used will be a maximum of 1-acre-foot. There will not be any impact to the above listed items.

**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 proximity of threatened or endangered species, if any. Bull Trout are currently endangered throughout western Montana except the Yaak River drainage above Yaak Falls. Contact was made with Fish,

Wildlife & Parks to discuss possible impacts to Bull Trout. It was determined there will be no adverse impact because Bull Trout spawn in the headwaters of a drainage, which is within the National Forest Service ownership. They rear in these headwaters for two to three years at which time they reach 6 to 9 inches long before moving downstream to deeper water. By the time they move in to the river they are large enough the low velocity water intake does not pose a danger to this sub-adult size *Salvelinus Confluentus* Pop 2.

**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 development is not in a wetland area.

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

*Determination:* There is no pond involved with this application.

**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:* A field investigation of the site found the soil is not heavy in salts. No 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:* Lawn/turf is the primary existing vegetation cover. Caring for the existing lawn and garden area will control noxious weeds.

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

*Determination:* Air quality will not be impacted.

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

*Determination:* There will not be any ground disturbing activities. Landscaping is complete.

**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:* Physical water availability information was obtained from U.S. Geological Survey gauging sites located on the Clark Fork River near Plains and Thompson Falls. The data from these sites clearly show water is physically available at the point of diversion, during the times and in the amounts requested. Assessment of legal water availability must take in to account water rights for in-stream flows. A power generation plant located just down river from

the point of diversion has a senior priority date and the prior appropriation system is recognition of priority. The applicant recognizes and understands a new water use permit is subject to a legitimate call by a senior downstream water right holder. Legal water availability is extremely difficult to assess with in-stream flow water rights commingled with consumptive use water rights not being used. In the event of a water shortage, relying on a senior water user “*calling the source*” is getting the most benefit of the state’s water resource for the citizens of Montana.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* The project is consistent with the land uses of the area. The subdivision is approved by Sanders County.

**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:* There will be no impact to the quality of recreation or wilderness activities nor will access be denied to any established recreation areas except by Forest Service road closures that occur throughout public domain in Sanders County.

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

*Determination:* No 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:* Private property rights are not impacted or regulated by this proposed action. The right to use water belonging to the State of Montana will become a property right if approved.

**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
- (b) Local and state tax base and tax revenues? No
- (c) Existing land uses? No
- (d) Quantity and distribution of employment? No

(e) Distribution and density of population and housing? No

(f) Demands for government services? No

(g) Industrial and commercial activity? No

(h) Utilities? No

(i) Transportation? No

(j) Safety? No

(k) Other appropriate social and economic circumstances? No

**2. Secondary and cumulative impacts on the physical environment and human population:** Cumulative appropriations of small amounts could eventually impact senior rights.

**3. Describe any mitigation/stipulation measures:** There are no mitigation/stipulation measures necessary for the action being requested of this agency.

**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 action would prevent the project. A reasonable alternative would be a well; however no impacts have been identified, therefore an alternative is not necessary to consider.

### **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:* No significant impacts have been identified, therefore an EIS is not necessary.

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

*Name:* Rich Russell

*Title:* Water Resources Specialist

*Date:* May 22, 2006