

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: Canyon River Development, LLC
1987 Anglers Bend Way
Missoula, MT 59802
2. Type of action: Application to Change a Water Right No. 76M-30050455
3. Water source name: Clark Fork River
4. Location affected by project: Sections 18 and 19, T13N, R18W, Missoula County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Canyon River Development, LLC submitted an Application to Change a Water Right to DNRC requesting authorization to change the points of diversion, place of use, and purpose for Statement of Claim 76M-149703-00, adding 5 interconnected groundwater wells to irrigate lawn and garden around multiple home sites and common areas at a new place of use, adjacent to the historic place of use, and no longer pumping water directly from the Clark Fork River for crop irrigation purposes. The Department finds that irrigation of lawn and garden is a beneficial use under §85.2.102(4)(a), MCA.

The DNRC shall issue a change authorization if an Applicant proves the criteria in §85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2006 Montana dewatered streams
Montana Department of Environmental Quality	303(d) list of impaired streams
Montana Department of Environmental Quality	305(b) list of impaired streams

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.*

The Lower Clark Fork River, from Rattlesnake Creek to Blackfoot River, is not considered chronically or periodically dewatered by Montana Fish, Wildlife & Parks and is not included in controlled groundwater or basin closure areas. This is not a new appropriation and conversion from a surface water source to groundwater results in net accruals for the water year.

Determination: No impact.

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.*

The Lower Clark Fork River, from Rattlesnake Creek to Blackfoot River, is on DEQ's 2012 303(d) list as water quality impaired. The river is listed as fully supporting agriculture and drinking water and not supporting aquatic life; primary contact recreation was not assessed. Probable causes of impairment include copper and lead from mine tailings and nutrient/eutrophication from industrial point source discharge from upstream impoundments.

This water right has been in use on the Applicant's property since 1904. The proposed change in points of diversion, place of use, purpose, and source type will not result in an increase in the amount of water diverted. Acres irrigated will decrease from 132.72 to 106.71 acres, diverted volume will decrease from 240.15 to 144.39 acre-feet (AF), consumptive use will decrease from 144.89 to 135.08 AF, and timing of irrigation will change from 24-hour days throughout the period of use to 12.75 hours per day. The purpose of the proposed change in points of diversion is to support the new use of water, making water more accessible at the new place of use.

Determination: No impact.

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.*

The proposed change will not increase the volume of water that may be diverted or consumed by the Applicant. The Applicant provided AQTESOLV files showing time-drawdown and distance drawdown modeling for each of the five proposed wells and found a maximum drawdown of less than 0.1 feet at the end of the period of diversion in the nearest existing well which was 1400 feet away. The Applicant also provided the AWAS file and documentation of model inputs to show that the net effect on changing flows in the Clark Fork River is an increase in flows during the irrigation season and decreased flows outside of the irrigation season. The Applicant provides a

table showing that water is physically and legally available during this time and that no adverse effect will result from the change to groundwater from surface water. The Applicant will be required to measure and report water usage annually to the Department.

Determination: No impact.

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.*

The Applicant plans to install five wells powered by individual submersible turbine pumps, each capable of withdrawing water at a rate of 125 GPM and each connected to a main computerized irrigation system controller. Variable watering lengths and times will be programmed into the main control system; the net effect on changing flows in the Clark Fork River is an increase in flows during the irrigation season and decreased flows outside of the irrigation season and the Applicant has shown that this will not result in adverse effect due to physical and legal availability. The proposed use of groundwater will not impact any channels, cause adverse effect due to flow modifications, create any barriers or impact riparian areas, dams or other existing or future wells.

Determination: 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."*

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.

In the vicinity of Sections 18 and 19, Township 13 North, Range 18 West, Missoula County, the Montana Natural Heritage Program identified the following animal species of concern: Western Toad, Great Blue Heron, Bald Eagle, Northern Goshawk, Flammulated Owl, Pileated Woodpecker, Clark's Nutcracker, Fringed Myotis, Hoary Bat, Fischer, Wolverine, Western Skink, A Millipede, Westslope Cutthroat Trout, and Bull Trout. Also identified was the fungus, A Lichen.

According to Montana Fish, Wildlife, and Parks, the Lower Clark Fork River is not within a Bull Trout Core Area. Westslope Cutthroat Trout, both pure and hybridized populations based on genetic analysis, are rare in the stretch of the Lower Clark Fork River that encompasses the stretch from the Rattlesnake Creek to the Blackfoot River. Neither fishery will be impacted by the change in points of diversion as the Applicant will no longer be pumping directly from the river. The proposed change will not result in any additional or new impacts to water availability in the Lower Clark Fork River that could impact these species. The diversions do not create a

barrier to fish migration within the stream and no additional loss of habitat for any of the abovementioned species will result from the proposed changes as the Applicant will be pumping directly from groundwater wells.

Determination: No 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.*

The proposed project does not create or impact any wetlands.

Determination: No impact.

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

The proposed project does not create or impact any ponds.

Determination: 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.*

The proposed project will not cause degradation of soil quality, alteration of soil stability, or moisture content. Construction associated with the proposed change consists of drilling five interconnected wells; however, no confining or restrictive lithology has been documented at any of the wells at the site and water will still be used for the purpose of irrigation. Water application to soils consists of lawn and garden irrigation. Soils in the vicinity of the place of use consist primarily of silty clay loam, silt loam, and gravelly loam; none of these soil types are susceptible to saline seep.

Determination: 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.*

The proposed place of use is adjacent to the historic place of use and the new purpose is irrigation of lawn and garden and common areas. Lawn and garden areas are located on private lots and it is ultimately the landowner's responsibility to control the spread or establishment of noxious weeds. Canyon River Development, LLC has the responsibility of controlling for weeds in all of the common areas irrigated with this water right.

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.*

Deterioration of air quality and/or adverse effects on vegetation due to increased air pollutants is not expected. The water will be diverted using a electric motors, therefore, there will be no emissions and/or increased noise levels associated with the proposed appropriation of groundwater.

Determination: No impact.

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:

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

The Department only needs to address Historical and Archeological sites in the EA if the project is located on State Trust Land or Federal land. This project is not located on state of federal land and this section is not applicable.

Determination: No impact.

HUMAN ENVIRONMENT

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

The project is located in an area with no locally adopted environmental plans.

Determination: No 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.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is taking place on privately owned land and is bordered by either the Clark Fork River or the highway on all sides. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities in the immediate vicinity.

Determination: No impact.

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: 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? None identified
- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified
- (e) Distribution and density of population and housing? None identified
- (f) Demands for government services? None identified
- (g) Industrial and commercial activity? None identified
- (h) Utilities? None identified
- (i) Transportation? None identified
- (j) Safety? None identified
- (k) Other appropriate social and economic circumstances? None identified

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

Secondary Impacts: None identified

Cumulative Impacts: None identified

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:**

PART III. Conclusion

1. **Preferred Alternative:** N/A
2. **Comments and Responses:** N/A
3. **Finding:**
Yes ___ No 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 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: Amy Groen
Title: Water Resource Specialist
Date: 05/09/2012