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: Mountain Water Company
1345 W. Broadway
Missoula, MT 59806

2. Type of action: Application to Change a Water Right 76H 30069868

3. Water source name: Miller Creek and Bitterroot River

4. Location affected by project: Bitterroot River from Section 15, T12N, R20W, to Section 27, T13N, R20W, Missoula County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

On August 28, 2014, Mountain Water Company (Applicant) submitted Application to Change Water Right No. 76H 30069868 to change the purpose and place of use of a set of irrigation water rights (collectively, the Maloney Water Rights) with places of use located in the Miller Creek Drainage – which is tributary to the Bitterroot River – and generally located near the southerly boundary of Missoula City limits. The Applicant plans to retire 96.3 acres of previously irrigated land in the 148-acre collective place of use for the purpose of marketing for mitigation in order to offset depletions from the Applicant's Permit Application No. 76H 30063539. The volume of Maloney Water Rights water historically used for irrigation that will be retired for the purpose of marketing for mitigation totals 937 acre-feet (AF). The remaining 51.7 acres of the Maloney Water Rights not owned by the Applicant will continue to be used for irrigation.

The place of use for the new purpose of mitigation will be the lower reach of Miller Creek from the historic point of diversion located in the S2SWNW, Section 15, Township 12 N, Range 20W, Missoula County to its confluence with the Bitterroot River and the Bitterroot River from its confluence with Miller Creek to its confluence with the Clark Fork River, a reach of 9.06 miles. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-402 MCA are met.

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

Montana Natural Heritage Program	Species of Concern
Missoula Valley Soil Survey	Soil data

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 Bitterroot River Drainage is comprised of various streams that are identified as periodically to chronically dewatered. The Applicant's proposal will not contribute to further dewatering of the Bitterroot River since the proposed purpose is to leave water that was previously used for irrigation instream.

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.*

Determination: Not applicable, the proposed source of supply is groundwater.

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: Not applicable, the proposed source of supply is surface water.

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 proposed marketing for mitigation plan will result in permanent discontinued irrigation of 96.3 acres. The Applicant will permanently abandon the historic headgate and ditch system that served the Maloney Water Rights' irrigated acreage and leave the water in Miller Creek to provide mitigation water to the Bitterroot River.

The proposed project does not require any new construction will not result in impacts to riparian areas.

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 purpose of this application is for marketing mitigation that will result in the permanent discontinued irrigation of 96.3 acres. This project will not impact any animal or plant species of concern.

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.*

Determination: Not applicable, the proposed project does not involve any dams.

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

Determination: Not applicable, the proposed project does not involve any 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.*

The proposed water use is for marketing for mitigation purposes in the Bitterroot River and will not result in the degradation of soil quality, or the alteration of soil stability or moisture content.

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 Applicant's proposed project would not result in any new construction and will not result in any impacts to vegetative cover or the establishment or spread of noxious weeds.

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.*

The Applicant's proposed project would not result in any deterioration of air quality or adverse effects on vegetation due to air pollutants.

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: Not applicable, the project is 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.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

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 the present recreational opportunities in the area. The project is not expected to create any significant pollution, or noise in the area that may alter the quality of recreational opportunities in the valley.

Determination: No impact.

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

The project does not pose a significant risk to the 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.

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

Impacts on:

(a) *<u>Cultural uniqueness and diversity</u>?* None identified.

(*b)* *<u>Local and state tax base and tax revenues</u>?* None identified.

(c) *<u>Existing land uses</u>?* None identified.

(*d)* *<u>Quantity and distribution of employment</u>?* None identified.

(e) *<u>Distribution and density of population and housing</u>?* None identified.

(f) *<u>Demands for government services</u>?* None identified.

(g) *<u>Industrial and commercial activity</u>?* None identified.

(h) *<u>Utilities</u>?* None identified.

(i) *<u>Transportation</u>?* None identified.

(j) *<u>Safety</u>?* None identified.

(k) *<u>Other appropriate social and economic circumstances</u>?*

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

<u>Secondary Impacts</u> None identified.

<u>Cumulative Impacts</u> None identified.

3. ***Describe any mitigation/stipulation measures:***
No reasonable alternatives were identified in the EA.

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 None identified.

2 Comments and 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 THE PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.

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

Name: Jim Nave
Title: Deputy Regional Manager
Date: June 20, 2016