

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: State of Montana, Department of Fish, Wildlife, and Parks  
PO Box 200701  
Helena, MT 59620
2. Type of action: Application to Change Water Rights 41O 30114585
3. Water source name: Teton River
4. Location affected by project: 25N 1E, 26N 2E, 25N 3E, 25N 4E, 25N 5E, 24N 5E, 24N 6E, 24N 7E, 25N 7E, 24N 8E, 24N 9E, and 25N 9E
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:  
  
The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402, 407, 408 MCA.  
  
The Applicant proposes to temporarily change irrigation claims on 181 acres to instream flow in the lower Teton River .
6. Agencies consulted during preparation of the Environmental Assessment: Publications from FWP and DEQ were used.

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity**

The Teton River is an identified dewatered stream by FWP. This is a change to instream flow and will result in increased flows in the lower Teton River.

*Determination:* No negative impact to water quantity is expected.

**Water quality**

Montana DEQ has minimum flow targets for the Teton Basin in its TMDL report completed in 2003. This change to instream flow will help support DEQ’s goals in this reach.

*Determination:* No negative impact to water quality is expected.

**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.

Groundwater is not involved in the proposed project.

*Determination:* Assessment not applicable.

**DIVERSION WORKS**

No new diversion works are planned. Instream flow does not have a diversion. A staff gage, stilling well, and water level logger will be installed near the historical point of diversion by FWP staff. FWP is the agency tasked with SPA 124 permitting.

*Determination:* No impact from diversion works is expected.

**UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species**

Species identified are limited to fish species sampled in the Lower Teton River between 1979-2005 by FWP. This is an instream flow change to benefit the fishery. Reduced diversions from the river and increased flow in the reach is a benefit to all native species.

| Species                | Abundance  | Status |                           |
|------------------------|------------|--------|---------------------------|
| Blue sucker            | Migrant    | SSC    | Native                    |
| Brassy minnow          | Rare       |        | Native                    |
| Brook stickleback      | Rare       |        | Native                    |
| Burbot                 | Rare       |        | Native                    |
| Carp                   | Common     |        | Introduced                |
| Channel catfish        | Uncommon   |        | Native                    |
| Emerald shiner         | Uncommon   |        | Native                    |
| Fathead minnow         | Common     |        | Native                    |
| Flathead chub          | Abundant   |        | Native                    |
| Freshwater drum        | Rare       |        | Native                    |
| Goldeye                | Common     |        | Native                    |
| Green sunfish          | Rare       |        | Introduced                |
| Lake chub              | Common     |        | Native                    |
| Longnose dace          | Abundant   |        | Native                    |
| Longnose sucker        | Abundant   |        | Native                    |
| Mountain sucker        | Common     |        | Native                    |
| Mountain whitefish     | Rare       |        | Native                    |
| Plains minnow          | Common     |        | Native                    |
| River carpsucker       | Uncommon   |        | Native                    |
| Sand shiner            | Abundant   |        | Native                    |
| Sauger                 | Extirpated | SSC    | Native; last sampled 9/79 |
| Shorthead redhorse     | Common     |        | Native                    |
| Shovelnose sturgeon    | Migrant    |        | Native                    |
| Spottail shiner        | Rare       |        | Introduced                |
| Stonecat               | Common     |        | Native                    |
| Sturgeon chub          | Extirpated | SSC    | Native; last sampled 9/79 |
| Western silvery minnow | Common     |        | Native                    |
| White sucker           | Common     |        | Native                    |

*Determination:* No impact is expected to species of concern, potential species of concern, or special status species.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Instream flow is contained within the stream channel and will not negatively impact wetlands.

*Determination:* No negative impact to wetlands is expected.

### **Ponds**

No ponds involved in the proposed project.

*Determination:* No impact to ponds is expected.

### **GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE**

The project area is limited to the stream channel.

*Determination:* No impact is expected to soil quality, stability, or moisture is expected.

**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 project falls entirely within the Teton River's channel.

*Determination:* No impact to vegetation cover, quantity, and quality. The establishment or spread of noxious weeds is not expected.

### **AIR QUALITY**

The proposed project does not include any elements that would impact air quality.

*Determination:* No impact to air quality is expected.

### **HISTORICAL AND ARCHEOLOGICAL SITES**

The project is not located on State or Federal lands.

*Determination:* Assessment is not applicable.

**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 other environmental impacts were identified.

## **HUMAN ENVIRONMENT**

### **LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** –

As mentioned above, this project will help support both FWP and DEQ goals for the lower Teton River.

*Determination:* This project supports local environmental goals.

**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 recreational or wilderness activities were identified.

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

No human health issues were identified.

*Determination:* No impact to human health is expected.

**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 to private property rights.

### **OTHER HUMAN ENVIRONMENTAL ISSUES**

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.

(j) Safety? No impact.

(k) Other appropriate social and economic circumstances? No impact.

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

Secondary Impacts

No secondary impacts identified.

Cumulative Impacts

No cumulative impacts identified.

**3. Describe any mitigation/stipulation measures:**

No measures or stipulations exist at this time.

**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 alternative: The Applicant would not be able to develop the project as proposed.

**PART III. Conclusion**

**1. Preferred Alternative:** Proposed action.

**2. Comments and Responses:** None to date.

**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:

With no negative impacts and identified positive benefits, the EA is the appropriate level of analysis for this project.

Name of person responsible for preparation of EA: Tyler Lystash

Title: Water Resource Specialist

Date: 3/30/2018