

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:
FM, LLC
PO BOX 820
NEWBERG, OR 97132
2. Type of action: Application to Change a Water Right No. 76F-30110085
3. Water source name: Blackfoot River
4. Location affected by project: N2NE, E2NW Section 21, T13N, R18W
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

FM, LLC proposes to change the purpose and place of use for water right 76F-30110749 to Marketing for Mitigation to be used from the decreed historical point of diversion listed as the pump site located in the NWSWNE of Section 21, T13N, R18W on the Blackfoot River, past the confluence of the Blackfoot and Clark Fork River and downstream to the hydropower dam at Noxon, MT. The Applicant was deeded 500 GPM up to 252- acre-feet (AF) per year of Statement of Claim No. 76F-116477-00 in Warranty Deed Book 923 page 1047. 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	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) 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.

Determination: No impact

The applicant proposes to leave 500 GPM or 1.11 CFS up to 252 AF of diverted volume in the Blackfoot River. The historic consumptive use 42.84 AF will be used for marketing for mitigation. The Lower Blackfoot River, from Belmont Creek to the confluence with the Clark Fork River, is not considered chronically or periodically dewatered by Montana Fish, Wildlife & Parks and is not included in any controlled groundwater closure areas. The Blackfoot River is included in the April 14, 1995 Upper Clark Fork River Basin Legislative Closure (MCA 85-2-319); however, this is not a new appropriation and any depletions to surface water sources have already been established.

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: No impact

The Lower Blackfoot River mainstem is not listed as impaired in Appendix A of DEQ's 2016 303(d) Water Quality Report. No impairment information or observed effects have been noted.

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: No impact (the source 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.

Determination: No impact

The proposed project does not require a diversion. Mitigation water will not be diverted from the source.

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 impact

The Montana Natural Heritage Program (MNHP) 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. The MNHP identified the following animal species: Great Blue Heron, Bald Eagle, Evening Grosbeak, Golden Eagle, Westslope Cutthroat Trout, Bull Trout, Fisher, Western Skink. Other species observances include: Porcupine, Wolverine, Clark’s Nutcracker, Harlequin Duck, Hooded Merganser, Pacific Wren, Pileated Woodpecker, Rufous Hummingbird, Western Toad, Lake Trout, and the Stalk-leaved Monkeyflower.

It is unlikely that any additional impacts will occur as a result of this change application.

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 impact

The proposed project does not create or impact any wetlands

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

Determination: No impact

The proposed project does not create or impact 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.*

Determination: No impact to soil quality or alteration of soil stability 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.*

Determination: No impact ~ no alteration of vegetation expected.

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

NA – project not located on State or Federal Lands.

Determination: No impact

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 impact

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

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 impact

The department is unaware of any locally adopted environmental plans and 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 impact

The proposed project will not inhibit, alter or impair access to the present recreational opportunities in the area

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:*

There are no other reasonable alternatives to the proposed project. The no action alternative would disallow the applicant from changing the purpose of the referenced water right from industrial to marketing for mitigation and leaving water instream.

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 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: K. Schubert

Title: Water Resource Specialist, Missoula Regional Office

Date: February 22, 2018