

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 Properties LLC  
1268 Brandmann Trail  
Missoula, MT 59801
2. Type of action: Application for Beneficial Water Use Permit No. 76M 30114584
3. Water source name: Groundwater
4. Location affected by project: S2 Section 18 & N2 Section19 T13N, R18W, Missoula County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to divert groundwater from 10 wells at a fluctuating flow rate with a maximum combined flow rate being 3.34 CFS (1,500 GPM) up to 40.5AF for irrigation of 106.7 acres of domestic lawn and garden within the Canyon River Development. The period of use is April 1 through October 31 annually. This permit is associated with Statement of Claim no. 76M 149703-00 because they share the same points of diversion. The Claim will provide 1.11 CFS (500 GPM) during its period of diversion and use, May 1 to August 31, while this permit application no. 76M 30114584 proposes to increase the flow rate during the May 1 to August 31 period of use by 1,000 GPM, bringing the total combined flow rate to 1,500 GPM. Increasing maximum pumping rates from the 500 GPM to the combined 1,500 GPM will allow the Applicant to irrigate the domestic lawn and garden in a shorter amount of time during the May 1 to August 31 period, and enable irrigation during the entire standard growing season for climatic area number 3, which is April 1 to October 31.

Flow rate in Gallons per minute

	April	May	June	July	August	September	October
76M-149703	0	500	500	500	500	0	0
76M30114584	1500	1000	1000	1000	1000	1500	1500

Volume in Acre-feet

	April	May	June	July	August	September	October	Total
76M-149703	0	13.68	35.58	51.68	43.51	0	0	144.39
76M30114584	5.7	0	0	0	0	31.6	3.2	40.5

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

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

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

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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 applicant proposes to utilize groundwater. The Clark Fork River is interpreted to be potentially affected but 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.

*Determination:* No significant 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:* The source is groundwater, see below

**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.

Within a radius of 800 feet from the proposed groundwater wells the department calculated groundwater flux, or the amount of groundwater flowing through the area, to be 5,013 AF per year. The applicant is requesting a diverted volume of 40.5 AF of which 28.4 AF is consumed, or lost to the system. This amount of groundwater consumption will not cause a negative impact to groundwater quantity. There were no identified sources of groundwater pollution from the proposed diversion of water that would affect groundwater quality.

The groundwater appropriated by the Applicant is hydraulically connected to the Clark Fork River. Depletion is expected to occur concurrently with consumption. Total depletion is 28.4 AF annually. The Clark Fork River has a USGS gaging site at this location that shows a low of 74,699.5 AF flowing through the depleted reach during the month of January to a high of 446,232.6 AF flowing through the depleted reach in May. The loss of 28.4 AF through this reach of river will not impact adjacent surface water flows. In addition, the Applicant proposes to mitigate (replace) the 28.4 AF net depletion to the Clark Fork River by purchasing or leasing mitigation water from the Grass Valley French Ditch Company, negating the depletion to surface water downstream of the historic Grass Valley French Ditch Company's historic headgate.

*Determination:* No significant 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 divert water from ten authorized groundwater wells powered by individual submersible turbine pumps, each capable of withdrawing at a rate of 120 GPM to 200 GPM and each connected to a main computerized irrigation system controller. 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 project nor will there be a 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 project as the Applicant will be pumping directly from groundwater wells.

*Determination:* No significant 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.

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.

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 Properties, 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 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.

N/A – 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.

Determination: No impact

<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: 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.

Determination: No impacts

**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:* Kathy Schubert

*Title:* Water Resource Specialist

*Date:* 02/04/2020