

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:

Clark Fork Coalition
140 S 4th St W #1
Missoula, MT 59801

2. Type of action: Water Right Change Application 76G 30165115, for Water Rights 76G 5191-00, 76G 5192-00, 76G 5193-00, and 76G 215144-00

3. Water source name: Cottonwood Creek

4. Location affected by project: Cottonwood Creek starting at the historical point of diversion (POD) for these Claims in the SWSWSE Section (S) 34 and ending at the confluence with the Clark Fork River in the NWNWSW S33, all Township (T) 8 North (N), Range (R) 9 West (W).

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

The Applicant proposes to temporarily change the place of use (POU) and purpose for Statements of Claim 76G 5191-00, 76G 5192-00, 76G 5193-00, and 76G 215144-00. The proposed place of use is the reach of Cottonwood Creek starting at the historical point of diversion (POD) and ending at the confluence with the Clark Fork River. The proposed purpose is instream flow for fisheries. The project is in Powell County and the source is Cottonwood Creek. After this change, the Applicant proposes retire 31.07 acres of irrigation to protect up to 174.45 AF volume at a flow rate of up to 1.99 CFS instream. The proposed period of diversion and period of use is June 13 – August 10.

6. Agencies consulted during preparation of the Environmental Assessment: None

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 detrimental impact. The proposed action will result in historically diverted water being left in Cottonwood Creek.

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 detrimental impact. The proposed action is to increase the water in the source by eliminating an irrigation diversion.

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 proposed action does not involve groundwater and will leave more surface water in the natural channel than under historical practices.

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 action will eliminate an irrigation diversion and leave formerly diverted water instream.

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 impact. The proposed action will cease irrigation on the historical place of use, increase stream flows in Cottonwood Creek, and generally return the project area to natural conditions.

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 action does not involve 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 involve 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. The proposed project is to cease diversion and irrigation and leave water instream.

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. The proposed project is to cease diversion and irrigation and leave water instream.

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. The proposed project is to cease diversion and irrigation and leave water instream.

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: NA – 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.

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.

Determination: The proposed action is consistent with stream restoration 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: The proposed action will lead to improved fisheries habitat and increased water availability downstream.

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? 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 None identified.

Cumulative Impacts None identified.

3. ***Describe any mitigation/stipulation measures:*** No mitigation or stipulations are necessary.

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:*** The no action alternative would result in decreased stream flows and continued departure from natural conditions.

PART III. Conclusion

1. ***Preferred Alternative*** No preferred alternatives identified.

2. ***Comments and Responses*** None at this time.

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 Environmental Assessment is the appropriate level of analysis because no significant adverse impacts were identified for the proposed project.

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

Name: Russ Gates

Title: Hydrologist/Water Resource Specialist

Date: 5/5/2026