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:

   Darryl Hastings
   PO Box 1275
   Condon, MT 59826

2. Type of action: Application for Surface Water Beneficial Use Permit No. 76K 30176426

3. Water source name: Swan River

4. Location affected by project: The proposed point of diversion on the Swan River is in the N2SWSW, Sec. 14, T21N, R17W, Missoula County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to divert surface water from April 25 to October 5 at a rate of up to 32.0 gallons per minute (GPM) up to 8.0 acre-feet (AF) of volume annually from the Swan River in the N2SWSW, Section 14, T21N, R17W, Missoula County. The Applicant proposes using water for lawn and garden irrigation. The place of use is in the S2NWSW (1.40 acres) and the N2SWSW (1.80 acres), both in Sec. 14, T21N, R17W, Missoula County. 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 - 2005 Dewatered Stream List, 2022 Dewatered Streams Map
   - Montana Department of Environmental Quality - 303(d) list of impaired streams
   - Natural Resource Conservation Service - Web Soil Survey
   - U.S. Fish and Wildlife Service - National Wetlands Inventory Mapper

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 2005 Montana Department of Fish, Wildlife & Parks Dewatered Concern Areas list does not identify the Swan River as chronically or periodically dewatered.

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.*

The Swan River was not assessed for any of the four beneficial uses in DEQ's 303(d) list (drinking water, primary contact recreation, agricultural, and aquatic life). No effect on water quality is anticipated as a result of the proposed permit.

Determination: No significant impact

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.*

This proposal does not involve groundwater.

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.*

As proposed, the Applicant will divert surface water from a single point, using a 3.0 HP pump. The proposed diversion will not result in meaningful changes to the streambed or the flow of water. The construction of the system may result in limited, temporary disturbances to the riparian area on the Applicant's property. No impacts to fish migration will result from this proposal. This project does not involve dams or wells.

Determination: No significant 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 website was reviewed to determine if there are any

"threatened" or "endangered" fish, wildlife, plants, or aquatic species that could potentially be impacted by this project. "Species of special concern" were also included in this search. According to the Montana Natural Heritage Program, the following species of concern were identified:

Bull Trout, Westslope Cutthroat Trout, Western Pygmy Shrew, Western Screech-Owl, Evening Grosbeak, Great Blue Heron, Fisher, Grizzly Bear, Little Brown Myotis, Pleated Woodpecker, Brown Creeper, Pacific Wren, Northern Pikeminnow, Western Pearlshell, Veery, American Bittern, Yellow-billed Cuckoo, Western Bumble Bee, Varied Thrush, Preble's Shrew, Trumpeter Swan, Black Tern, Fringed Myotis, Long-eared Myotis, Silver-haired Bat, Townsend's Big-eared Bat, Black-backed Woodpecker, Western Toad, Suckley's Cuckoo Bumble Bee, Harlequin Duck, Long-legged Myotis, Rocky Mountain Forestfly, Northern Hoary Bat, Lewis's Woodpecker, Monarch, Canada Lynx, Wolverine, Yuma Myotis, American Goshawk, Clark's Nutcracker, Black-crowned Night Heron, Horned Grebe, Northern Alligator Lizard, American White Pelican, Black Swift and Golden Eagle.

The Applicant's use of water is not anticipated to have negative impacts on the above-mentioned species of concern.

Determination: No significant impacts.

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

This project does not involve wetlands. According to the USFWP National Wetlands Inventory, there are no wetlands at the proposed place of use.

Determination: No impacts

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

This project does not involve ponds.

Determination: No impacts

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.*

According to the NRCS Web Soil Survey, the soil comprising the place of use is Glaciercreek gravelly silt loam, 0 to 4 percent slopes. The soil is non-saline to very slightly saline and minimal to no saline seep is anticipated. It is not anticipated that the project will have a negative impact on the soil quality, stability, or moisture content. The lawn and garden irrigation has been occurring for years and the Applicant is filing their water permit to come into compliance with Montana water law.

Determination: No significant impacts

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.*

It is not anticipated that issuance of a water use permit will significantly contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations. Since the project area has already been manipulated by human activities, native vegetation has already been removed from the area.

Determination: No significant impacts

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

There will be no impact on air quality associated with issuance of the proposed permit for beneficial use of surface water.

Determination: No impacts

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.*

The project site is non located on State or Federal lands.

Determination: No impacts

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 impacts

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

This project does not violate any known locally adopted environmental plans or regulations.

Determination: No impacts

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 project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is on private property and is not expected to create significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The project is not on land designated as wilderness.

Determination: No impacts

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

No impacts on human health are anticipated as a result of this project.

Determination: No impacts

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 impacts

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

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:*** None identified

PART III. Conclusion

1. ***Preferred Alternative:***
Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2 ***Comments and Responses***
None.

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:

No significant impacts related to the proposed project have been identified.

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

Name: Alex Dalgleish
Title: Water Conservation Specialist
Date: 11/2/2026