

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:
WYE AREA WATER COMPANY, LLC
8571 RUNNING W ROAD
MISSOULA, MT 59808 - 5357
2. Type of action: Application to Change an Existing Non-Irrigation Water Right No. 76M 30162736
3. Water source name: Groundwater
4. Location affected by project: Service area in Sec. 16, 20, 21, 22, 27, & 28, T14N, R20W, Missoula County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
Wye Area Water Company, LLC proposes to change the place of use on unperfected provisional permit to add 9.76 acres in the SWSE of Sec. 16, T14N, R20W to the existing place of use and service area for Wye Area Water Company municipal use. Water is diverted from two wells in the NWNWSW Section 22, T14N, R20W, Missoula County. This change does not involve changes to the permitted 681 GPM flow rate and 622.4 AF volume, which have yet to be perfected. 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:
(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, Montana Impaired Waters 2020 Maps
USDA Natural Resources Conservation Science – Web Soil Survey
Missoula County – Wye O’Keefe Creek Area Plan 1979

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 proposed project is to continue to utilize groundwater by pumping from two existing groundwater wells drilled into the 120SDMS tertiary sedimentary aquifer underlying Missoula County. During initial permitting, DNRC determined that there is physical availability in this aquifer that greatly exceeded the proposed appropriation. The proposed project is not requesting any more water or change to the diversion than was already permitted. FWP does not include aquifers on their lists of dewatered water ways.

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.

At this time, the DEQ has not evaluated groundwater quality in Montana. DEQ's Montana Impaired Waters 2020 Maps and 303(d) list of streams only include surface water, streams and lakes. There is no known contamination in the aquifer being diverted from.

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.

The proposed project will not result in any additional flow rate or volume being diverted other than what is already permitted. In initial permitting for the Wye Area Water Company, depletions to Clark Fork and Bitterroot Rivers were identified, and these were subsequently mitigated in full.

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 diversion works largely already exists. One lot is proposed to be added to the place of use which will require additional water mains being placed underground to connect to the existing water distribution system nearby. The two wells used to supply water to this distribution system are already in use and are several miles from the Clark Fork and Bitterroot Rivers where there is groundwater availability.

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 was used 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 Montana Natural Heritage Program identified the following species with habitat in Section 16, Township 14 North, Range 20 West:

Species Group	Species Common Names
Mammals:	Fisher, Grizzly Bear, Hoary Bat, Townsend’s Big-eared bat
Birds:	Bobolink, Brewer’s Sparrow, Brown Creeper, Cassin’s Finch, Evening Grosbeak, Great Blue Heron, Lewis’s Woodpecker, Pacific Wren, Pileated Woodpecker, Varied Thrush, Veery
Fish:	Westslope Cutthroat Trout
Invertebrates:	Northern Rocky Mountains Refugium Stonefly, Cordilleran Forestfly
Vascular Plants:	Missoula Phlox, Cup Clover

The location of the proposed place of use is surrounded by two major highways and fast-paced development. Any impact to sensitive species most likely has already occurred. Plant species may be impaired on the proposed place of use that is slated for development, but it is likely that impairment already occurred. Because all depletions to surface water were fully mitigated upon permitting in 2007, no impacts to species of concern are anticipated outside the proposed additional place of use footprint.

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.

Determination: N/A project does not involve wetlands.

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

Determination: N/A 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.

The extent of this proposal is to connect one lot to an existing water system. The soils on this proposed place of use are 70% grassvalley silty clay loam with 0 to 4% slopes, 26% aquic haploxerolls with 0 to 2% slopes, and 3% riverside gravelly sandy loam with 15 to 30% slopes on one corner of the parcel. No degradation of soil quality or stability is anticipated as a result of the new infrastructure being connected. This project is not likely to cause any saline seep.

Determination: No significant 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.*

Some minimal vegetative disturbance will occur while installation of water mains occurs to connect the proposed place of use to the existing adjacent water distribution system. The proposed place of use is slated for dense development that will also disturb the minimal vegetative cover. The parcel owner, TLK Properties, is responsible for management of noxious weeds.

Determination: No significant impact

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

No air quality impacts are anticipated as a result of this proposed additional place of use in a larger water system.

Determination: No significant 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.*

Determination: N/A- Project 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.*

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

Determination: No significant impact.

HUMAN ENVIRONMENT

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

The proposed additional place of use is in the planning area for the Wye/O'Keefe Creek Area Missoula County Comprehensive Plan dated 1979. In 1979, the plan recognized the Wye Area to be a region of development interest. The same is true today. The proposed project is not inconsistent with the growth identified in this locally adopted environmental plan.

Determination: No significant 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.*

N/A. The proposed project is not located in an area with recreational or wilderness activities. The Wye Area where this project is proposed to take place is at the junction of two major highways, several gas stations, and fast-paced residential and commercial development.

Determination: No significant impact.

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

The project does not pose a significant risk to human health.

Determination: No significant 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 significant 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:

No reasonable alternatives were identified in the EA.

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:

Not applicable.

PART III. Conclusion

1. Preferred Alternative: None identified.

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:

AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THE PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.

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

Name: Caitlyn Stevens
Title: Water Resource Specialist
Date: July 24, 2024