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:

   Lee Yelin
   5890 Kerr Dr
   Missoula, MT 59803-3028

2. Type of action: Application for Change No 76M 30171923

3. Water source name: Sixmile Creek

4. Location affected by project:

   Points of diversion: S2NE, SESENW, E2NESW, SWNESW, NWSESW all in Sec. 12 T15N, R22W, Missoula County.
   Place of use: S2NE, SESENW, E2NESW, SWNESW, NWSESW all in Sec. 12 T15N, R22W, Missoula County.

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

   The Applicant proposes to temporarily change the point of diversion (POD), place of use (POU) and purpose of use for Statement of Claim 76M 30048497. The proposed change is temporary for a period of ten years as described in 85-2-407 and 85-2-408, MCA. The irrigation use will be changed to instream flow on Sixmile Creek. The historic ditch has been decommissioned, and all historically 21.10 irrigated acres associated with right 76M 30048497 will be retired. A prior Change Authorization was issued in 2011 (No. 76M 30049150) for Statement of Claim 76M 30048497, changing the purpose of use, point of diversion (POD) and place of use (POU) from irrigation to instream flow. The Applicant failed to submit a Notice of Renewal , and the change authorization expired at the end of 2021. This change proposal seeks to reestablish the prior temporary instream flow authorization. The DNRC shall issue a water use change 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, 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
- U.S. Fish and Wildlife Service (USFWS) 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 Lower Clark Fork River as chronically or periodically dewatered. Water would be left instream on Sixmile Creek, which is a tributary to the Clark Fork River. The proposed appropriation will not result in any depletions to the Sixmile Creek or the Clark Fork River.

Determination: *No significant impacts.*

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 Lower Clark Fork River, from Rattlesnake Creek to Fish Creek, is on DEQ's 2012 303(d) list as water quality impaired. The impairments for this reach include chlorophyll-a, copper, iron, lead, nitrogen (total), organic enrichment (sewage) biological indicators, and phosphorus (total). The reach is listed as supporting drinking water and agricultural purposes and not supporting primary contact recreation and aquatic life.

The proposed change in purpose from irrigation to in-stream flow will not affect water quality in this reach as it will make water available for other water users within the area.

Determination: No significant impacts.

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: N/A – the proposed change is for existing surface water right.

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.*

Water will be left in the Sixmile Creek for in-stream flow purpose. This is not expected to have an impact on channels, riparian areas, dams or well construction.

Determination: *No significant impacts.*

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."*

All water will be left instream following the proposed change. No diversion structure will be required, as the proposed points of diversion are in stream. No barrier to the migration or movement of aquatic species will occur. All impacts to sensitive species are likely to have occurred and the proposed change is not expected to increase pressure on identified species.

The Montana Natural Heritage Program (MNHP) was utilized to determine if there are any threatened or endangered fish, wildlife, plants of aquatic species or any "species of special concern", that could be impacted by the proposed project. The MNHP identified the following species of concern: Westslope Cutthroat Trout, Bull Trout, Bald Eagle, Bobolink, Cassin's Finch, Clarks Nutcracker, Evening Grosbeak, Flammulated Owl, Great Blue Heron, Lewis's Woodpecker, Pileated Woodpecker, Varied Thrush, Veery, Western Skink, Fisher, Grizzly Bear, Long-eared Myotis, Long-logged Myotis, Silver-haired Bat, Wolverine, Yuma Myotis, Carex Scoparia, Columbia Water-meal and Lime-Seep Eucladium Moss.

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.*

Since all water will be left instream, no wetlands or deepwater habitats in the posed place of use will be negatively impacted.

Determination: No impacts.

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

This project does not involve any 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.*

As all water will be left instream, the proposed project will retire all historically irrigated acres. This will not further increase salinization of soils. The proposed change to instream flow use is not anticipated to cause saline seeps.

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.*

The retirement of all historically irrigated acres should not promote the establishment of noxious weeds. Under Montana law, private landowners are responsible for noxious weed control on their properties.

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.*

The proposed project will no impact air quality.

Determination: *No significant 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 proposal is to leave water in-stream on Sixmile Creek. The reach of the creek does pass through Montana State Trust Lands. However, no degradation of unique archeological or historical sites is anticipated from leaving water in the creek.

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. No further impacts are anticipated.

Determination: *No significant impacts*

HUMAN ENVIRONMENT

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

There are no locally adopted environmental plans or goals. This project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: *No significant 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 reach of in-stream flow traverses through property owned by the US Forest Service and Montana State Trust Lands. No wilderness areas will be impacted by the proposed use of water.

Determination: *No impacts*

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

The proposed use will not adversely impact human health.

Determination: *No significant 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 significant 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?* No significant impacts identified.

(*b*) *Local and state tax base and tax revenues?* No significant impacts identified.

(c) *Existing land uses?* No significant impacts identified.

(*d*) *Quantity and distribution of employment?* No significant impacts identified.

(e) *Distribution and density of population and housing?* No significant impacts identified.

(f) *Demands for government services?* No significant impacts identified.

(g) *Industrial and commercial activity?* No significant impacts identified.

(h) *Utilities?* No significant impacts identified.

(i) *Transportation?* No significant impacts identified.

(j) *Safety?* No significant impacts identified.

(k) *Other appropriate social and economic circumstances?*

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No significant secondary impacts identified.

Cumulative Impacts: No significant secondary impacts identified.

3. ***Describe any mitigation/stipulation measures:***

All historically irrigated acres will be retired and no longer irrigated as a result of this proposed change. All water will be left instream. The Applicant will only be able to protect the historical consumed volume in the proposed reach. For the change authorization to be granted by DNRC, the Applicant must prove the criteria in §85-2-402 MCA are met.

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 be for the Applicant to continue to use the water rights for irrigation purpose, as historically done.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the Change Application if the Applicant has proven the criteria of §85-2-402 MCA are met.

2 ***Comments and Responses:*** None currently.

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 have been identified. Therefore, an EIS is not required.

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

Name: Alex Dalgleish
Title: Water Conservation Specialist
Date: January 12, 2026