EA Form R 1/2007

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:

William D. and Lori S. Lawson	Alecia Malek
3260 Cathy Court	383 Alder St.
Missoula, MT 59803	Highwood, MT 59450-8727

2. Type of action: Application to Change a Water Right No. 76F-30066411

3. Water source name: Big Sky Lake (also referred to as Fish Lake or Fish Creek), tributary to the Clearwater River

4. Location affected by project: Big Sky Lake in Sections 28 and 29, T16N, R14W, Missoula County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: William D. and Lori S. Lawson submitted an Application to Change a Water Right requesting to add a point of diversion and change a portion of the place of use for Statement of Claim No. 76F-146892-00. Historic use of this water right was found to be 12 GPM up to 1.17 AF per year for multiple domestic, of which 6 GPM and 1.0 AF will be transferred to the new place of use while 6 GPM up to 0.02 AF will be retained at the historic place of use. Both places of use are adjacent to Big Sky Lake. Water will be diverted at both places of use through a ¾ hp pump placed below the lake surface. 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
Montana Department of Environmental Quality	303(d) list of impaired streams

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 Dewatering Concern Areas list identifies 0.3 miles of Fish Creek as dewatered. This dewatered section is located from the intersection of Fish Creek with Salmon Lake to a point 0.3 miles upstream. This change seeks to add a point of diversion from the same surface water source, utilizing the same historic flow rate and decreasing the total consumed volume from the source by 0.02 AF.

Determination: No 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.*

Although neither Fish Creek or the Clearwater River have been assessed by the Montana DEQ for water quality standards, this change authorization seeks only to add a point of diversion and change a portion of the place of use on the same source and will result in a 0.02 AF reduction in total consumed water from the source.

Determination: No 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.*

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

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 proposed new point of diversion will utilize a ¾ hp Meyers Shallow Water Jet Pump that will be affixed with a Cla-Val 40-01/640-01 Rate of Flow Control Valve to ensure the pump rate does not exceed 6 GPM. The pump will be submersed in the water adjacent to the new place of use and is the same pump type that is currently in use at the original point of diversion. The use of a pump in a lake for domestic water supply will not create any barriers to fish migration. The project does not involve a dam or well.

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 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.

The Montana Natural Heritage Program identified the following animal species: Common Loon, American Bittern, Great Blue Heron, Bald Eagle, Flammulated Owl, Westslope Cutthroat Trout, Bull Trout, Fisher, Wolverine, Canada Lynx, and a Freshwater Sponge occurring within the vicinity of Section 29, T16N, R14W, Missoula County. In addition, the following sensitive plant species were also identified; Beck Water-marigold and Pygmy Water-lily.

The location of the proposed appropriation is on the northern shore of Big Sky Lake in Section 29. The entire lake shore is developed and includes summer and full time residences. Any impact to sensitive mammal species such as lynx, fisher, and wolverine most likely has already occurred. Shoreline development on Big Sky Lake occurs in Sections 28 & 29. Plant species may be impaired if they are located on the applicant's property and in the path of water conveyance means. It is not known whether the plants listed above exist on the applicant's property.

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.*

N/A: project does not involve wetlands.

Determination: No impact.

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

N/A: project does not involve 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.*

The use of water from Big Sky Lake for domestic and garden and landscape irrigation will not cause degradation of soil quality or stability. The soils at Big Sky Lake are not 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.*

Existing vegetative cover may be disturbed during installation of the system intended to bring water from Big Sky Lake to the dwelling once constructed. The project is located entirely on private property; the applicants will be responsible for controlling noxious weeds.

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.*

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. The water will be diverted using a submersed electric pump. No air pollutants were identified as resulting from the applicant's proposed use of Big Sky Lake for domestic purposes

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.*

NA: Project not located on State or Federal Lands.

Determination: No impact.

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 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 project is located in an area with no locally adopted environmental plans

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 the present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities.

Determination: No impact.

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

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

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**XX**_ 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:***

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:***

PART III. Conclusion

1. ***Preferred Alternative:*** None identified.

2 ***Comments and Responses***

3. ***Finding:***
Yes___ No **XX** *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: Amy Groen
Title: Hydrologist / Water Resource Specialist
Date: February 6, 2014