

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:

Grass Valley French Ditch Co
13690 Mullan Rd.
Missoula, MT 59808

Chris Corbin
C/o Lotic, LLC
1241 S. 4th St. W.
Missoula, MT 59801

2. Type of action: Application to Change a Water Right No. 76M-30052086
3. Water source name: Clark Fork River
4. Location affected by project: Clark Fork River from the NENWSW of Section 16, T13N, R20W, Missoula County to Noxon Rapids Powerhouse near Noxon, MT located in the S2S2 Section 33, T26N, R32W, Sanders County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Applicant requests to add the new purpose of water marketing for mitigation to Statement of Claim No. 76M-110493-00, making a portion of Grass Valley French Ditch co (GVFDC) shares available for sale or lease to mitigate consumptive use of future water developments that occur within the proposed place of use for marketing. The Applicant proposes to allocate up to 3,733.5 AF of their historically consumed 4,189.0 AF to marketing for mitigation throughout the April 15 to October 19 period of diversion, delivering mitigation water through a reduction in flow rate at the mitigation delivery point. GVFDC will retire acres from production as water is sold/leased; the flow rate and volume of water associated with each retired acre will no longer be diverted at the headgate but will be left in the Clark Fork River to mitigate adverse effects of future water appropriations. A maximum of 3,304 acres will be retired from irrigation; 5.2 GPM up to 3.24 AF per acre will be left in the Clark Fork River, providing 1.8 GPM up to 1.13 AF per acre to mitigate consumptive use while allowing 3.4 GPM up to 2.11 AF to remain in the river. The maximum reduction in diverted flow rate at the headgate will total 38.28 CFS and the maximum diverted volume will total 10,706.0 AF. The DNRC shall issue a change authorization if the 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
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 does not identify the Lower Clark Fork River as chronically or periodically dewatered. The proposed change will not provide any opportunity for the Lower Clark Fork River to experience an overall reduction in flows.

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.

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 water right has been in use on the Applicant's property since 1901; the proposed change in purpose from irrigation to marketing for mitigation will not affect water quality in this reach as it will decrease total diversion flow rates and volumes, making water available to other water users within the service area from the headgate to Noxon Rapids Powerhouse. New uses of water in the service area will be evaluated for water quality effects.

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.*

No additional point of diversion is proposed for the new purpose of marketing for mitigation; the existing headgate will be utilized to reduce diverted flow rates. Use of the existing headgate will not impact channels, riparian areas, dams or well construction. The headgate will be used to modify flows diverted to the ditch, but will not impact flows in the Clark Fork River other than to reduce diversions from the channel by a maximum of 38.28 CFS.

Determination: No 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 as occurring within Sections 3, 4, 5, 8, 9, 10, 16, 21, 22, T13N, R20W; Sections 18, 19, 29, 30, 31, 32, 33, T14N, R20W; and Sections 2, 11, 12, 13, 14, 24, T14N, R21W, all in Missoula County: Great Blue Heron, Bald Eagle, Lewis’s Woodpecker, Black-backed Woodpecker, Pileated Woodpecker, Veery, Cassin’s Finch, Westslope Cutthroat Trout, Bull Trout, Hoary Bat, Fisher, Wolverine, and Western Skink. No sensitive plant species were identified in the area of interest.

The location of the proposed change in appropriation is northeast of the Clark Fork River and includes agricultural land and home sites. Any impacts to sensitive species are likely to have already occurred and the proposed change is not expected to increase pressure on identified species.

Determination: No 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: This 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.

Discontinuing use of water for irrigation in the service area may reduce soil moisture and structure provided by plant crops which can lead to increased soil instability. The soils within the Grass Valley French Ditch Co. place of use are not susceptible to 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.

Existing vegetative cover currently consists of irrigated crops. Discontinuing irrigation of acres within the service area may lead to noxious weed invasion. The property owners are responsible for controlling noxious weeds; the Applicant is an irrigation district with the ability to sell water anywhere within the place of use and is not responsible for control 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.

Adverse air quality impacts from increased air pollutants are not expected as a result of this project.

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: This project is 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? Reduction of the total irrigated acres could alter the tax base.
- (c) Existing land uses? Sale/lease of water may reduce the amount of total irrigated acres and existing land uses may change to something other than agriculture.
- (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:* No alternative identified.

PART III. Conclusion

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

2. ***Comments and Responses:*** N/A

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 responsible for preparation of EA:

Name: Amy H. Groen

Title: Hydrologist / Specialist

Date: September 25, 2014