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

Applicant/Contact name and address: U.S. Forest Service
200 East Broadway, P.O. Box 7669
Missoula, MT 59807

1. Type of action: Water Reservation for Instream Flow (form 638)

2. Water source name: Mike Renig Gulch (Application Number 76G 30120163)

3. Location affected by project: Section 14 & 23 of T9N R6W, Powell County

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

   The applicant is applying for a state water reservation for instream flow for fish pursuant the water compact between the State of Montana and the United States Department of Agriculture Forest Service (MCA 85-20-1401 and 85-2-320). The DNRC shall issue a water right if the USDA Forest Service application meets all requirements outlined in the compact and in Application Form #638: Water Reservation Application for Instream Flow.

   The Forest Service is requesting flow for the purpose of beneficial use to maintain a minimum flow of water needed for fish. The flow rate corresponds to the Upper Inflection Point as per the Wetted Perimeter Methodology in cases with Yellowstone Cutthroat Trout, Westslope Cutthroat Trout, Bull Trout, Columbia River Redband Trout, Arctic Grayling or other Threatened and Endangered species present. The Lower Inflection Point as per the Wetted Perimeter Methodology is used in cases without these species present. The stream channel is single- thread, perennial, and fish bearing; the morphology includes riffle stretches appropriate for the Wetted Perimeter measurements. The stream channel exhibits natural stream channel morphology, devoid of human impacts that might affect the applicability of the Wetted Perimeter Methodology. If issued, the water right will have a priority date of the date of filing.

5. Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)
   Montana Department of Fish, Wildlife and Parks Fish Species Present in Reach

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 water right will not alter existing instream flows and will not negatively impact the stream by way of dewatering. The proposed water right would instead protect fishery flows from junior users thereby maintaining water quantity.

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 proposed water right will not alter existing water quality and will not negatively impact the stream water quality. The proposed water right would instead protect fishery flows from junior users thereby maintaining water quality.

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.*

The proposed water right will not alter existing groundwater.

Determination: N/A

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.*

There is no diversion works associated with this project.

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 proposed application will require no site disturbances; plant species should not be impacted. This water right for instream flow will benefit aquatic life; therefore aquatic species should not be impacted. This instream flow water right will not result in the loss or alteration of any terrestrial wildlife habitat.

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.*

This project does not involve any wetlands.

Determination: No impact.

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 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 proposed project will not cause any degradation of soil quality or alteration of soil stability or moisture content. The instream flow water right will not affect soil stability or moisture content.

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.*

The instream flow water right will not result in alterations in vegetative cover or the spread of noxious weeds as there is no construction associated with this project.

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.*

There will be no source of pollutants associated with the change in water use that will alter air quality.

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.*

There will be no construction or other activities that could degrade unique archeological or historical sites.

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.*

None identified.

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.*

There are no locally adopted environmental plans or goals.

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 instream flow water right may improve recreational activities by protecting the existing fishery. The proposed project will not impact access to or the quality of recreational and wilderness activities.

Determination: No impact.

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

The proposed instream flow water right may maintain water quality.

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?* No impact.

(b) *Local and state tax base and tax revenues?* No impact.

(c) *Existing land uses?* No impact.

(d) *Quantity and distribution of employment?* No impact.

(e) *Distribution and density of population and housing?* No impact.

(f) *Demands for government services?* No impact.

(g) *Industrial and commercial activity?* No impact.

(h) *Utilities?* No impact.

(i) *Transportation?* No impact.

(j) *Safety?* No impact.

(k) *Other appropriate social and economic circumstances?* No impact.

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 identified.

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 N/A

2 Comments and Responses N/A

3. *Based on the significance criteria evaluated in this EA, is an EIS required?*
Finding: *Yes___ No_**XX**__*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

This project has little to no negative environmental impact. There is no site construction or substantial change in management related to this instream flow water right.

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

Name: Heather McAdams
Title: DNRC, Hydrologist
Date: February 7, 2025