

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:

Profitt Family Trust
C/O Ronald and Brenda Profitt
P.O. Box 7608
Kalispell, MT 59904-0608

2. Type of action: Application for Beneficial Water Use Permit 76K 30162334

3. Water source name: Swan River

4. Location affected by project: NWSWSW Section 29, T20N, R16W, Missoula County

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

The Applicant proposes to divert water from the Swan River by means of a pump from January 1 to December 31 at 20 GPM up to 2.78 acre-feet (AF) per year from a point in the NWSWSW Sec. 29, T20N, R16W, Missoula County, for domestic use in one residential dwelling from January 1 to December 31, and for irrigation of one acre of lawn and garden from April 25 to October 5. The place of use is located in the NWSWSW Sec. 29, T20N, R16W, Missoula County.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Natural Heritage Program
Montana Department of Fish, Wildlife & Parks
Montana Department of Environmental Quality
USDA NRCS
US Fish & Wildlife Service

Species of Concern
2005 Dewatered Streams List
303(d) list of impaired streams
Web Soil Survey
National Wetlands Inventory

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

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 source of supply is the Swan River, a tributary to the Flathead River. The 2005 Montana Department of Fish, Wildlife & Parks Dewatering Concern Areas list does not identify the Swan River as chronically or periodically dewatered.

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.*

DEQ's 2020 303(d) list marks water quality in the Swan River as not assessed for all beneficial uses (drinking water, primary contact recreation, agricultural, and aquatic life). No change to water quality in the Swan River is expected as a result of this appropriation.

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 source of supply for this application is not a groundwater aquifer. No impacts to groundwater are anticipated.

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.*

A filtered intake will be located 3-4 feet below the water surface in the Swan River. The intake system draws water at a low enough flow rate that no disruptive suction will occur. The installation of the diversion system will cause minor temporary disruption to the system, but no permanent alterations to the river are expected.

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 (MNHP) website was reviewed to determine if there are any "threatened" or "endangered" fish, wildlife, plants, or aquatic species that could potentially be impacted by this project. "Species of special concern" were also included in this search.

According to the MNHP, nine animal species and one plant species of concern have been observed in or near the area of potential impact. Of these, three species are listed as threatened by the US Fish and Wildlife Service: the Canada Lynx (*Lynx canadensis*), the Grizzly Bear (*Ursus arctos*), and the Bull Trout (*Salvelinus confluentus*).

Animal species of concern include:

Canada Lynx (*Lynx canadensis*)

Fisher (*Pekania pennanti*)

Grizzly Bear (*Ursus arctos*)

Western Pygmy Shrew (*Sorex eximius*)

Cassin's Finch (*Haemorhous cassinii*)

Evening Grosbeak (*Coccothraustes vespertinus*)

Pileated Woodpecker (*Dryocopus pileatus*)

Bull Trout (*Salvelinus confluentus*)

Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*)

Plant species of concern include:

Marsh Horsetail (*Equisetum palustre*)

The construction of a residential dwelling in this location is unlikely to have a significant impact on the above-listed species.

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.

The proposed project does not impact any wetlands.

Determination: No significant impact.

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

The proposed project does not impact any ponds.

Determination: No significant 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 construction of a residential dwelling and the water conveyance facilities associated with this project will cause short-term soil disturbance. The soils within the place of use are nonsaline and have very high transmissivity. These characteristics mean the soils in this location are unlikely to contribute 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.

There will be minor impact to vegetative cover due to the construction associated with this project. It is not anticipated that the issuance of this change authorization would increase the establishment or spread of noxious weeds. It is the responsibility of the landowner to maintain weed control at the place of use for this water right.

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.

Deterioration of air quality and/or adverse effects on vegetation due to increased air pollutants is not expected.

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. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

N/A – Project not located on State or Federal Lands. There are no known unique archaeological or historical sites on or near the proposed project.

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 additional 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 Department finds no locally adopted environmental plans or goals relevant to the proposed permit application.

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.*

No impacts to human health were identified.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes No *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.

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. 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 this proposed action because no significant impacts have been identified as a result of the proposed action.

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

Name: Benjamin Thomas

Title: Water Resource Specialist

Date: 5/9/2024