

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:

McKinnon Family Trust
2298 Tipperary Way
Missoula, MT 59808-9405

2. Type of action: Application for Beneficial Use Water Permit No 76M 30163329

3. Water source name: Groundwater

4. Location affected by project:

Points of diversion: NENENE Sec. 13 and SESWSE Sec. 12, both in T13N, R20W,
Missoula County
Place of use: SESE and SESWSE Sec. 12, N2NENE Sec. 13, both in T13N, R20 W,
Missoula County

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

Applicant proposes to divert groundwater at a maximum of 415 gallons per minute (GPM) up to a total diverted volume of 133.99 acre-feet (AF), for irrigation of 47.3 acres from April 15 to October 15 annually. These points of diversion are in the Clark Fork River Basin between the Blackfoot and Flathead Rivers (76M) which is an area that is not currently subject to any water right basin closures or controlled groundwater areas. The points of diversion and place of use are located within the Grant Creek Administrative Basin Closure, but the groundwater use was determined to be hydraulically disconnected to Grant Creek. This Administrative closure is not pertinent to the Applicant's groundwater diversion. 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 - 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. The proposed appropriation will result in 91.2 AF of total depletions to the Clark Fork River. The applicant is required to offset the 91.2 AF consumptive volume of depletion to the river. The Applicant proposes to offset depletions to the Clark Fork River through use of mitigation water under irrigation water rights 76M 118513 00, 76M 123868 00, 76M 123869 00, 76M 123869 00 and stock right 76M 123870 00. The Department is currently in the preapplication phase of the related and pending change application, which proposes to change most of the place of use and purpose of use, as well as the entire point of diversion for the abovementioned rights. New beneficial uses of marketing for mitigation, mitigation and instream fishery purposes will be added to the rights. A portion of the place of use is owned by the Missoula Airport, and those irrigated acres on the Airport's parcels will not be changed. (Rather, those portions will be split off and child rights will eventually be created). While there is no indication that this associated change will be rejected/denied, it is not yet approved, and so mitigation cannot be confirmed at this time to offset those depletions by this application. If approved, the mitigation change will allow the Applicant to offset those depletions to the Clark Fork River from their groundwater pumping.

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 proposed appropriation is for groundwater. Water will be diverted from two 120-foot-deep wells and applied to the ground through sprinkler irrigation. No source of pollution was identified, and the use of water will be controlled. DEQ does not currently evaluate groundwater quality in Montana. DEQ's Montana Impaired Waters 2020 Maps and 303(d) list of streams only include surface water, streams and lakes. There is no known contamination to the aquifer being diverted from.

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.

The proposed means of diversion are two groundwater wells (the primary well associated with GWIC ID 319686 and a secondary well associated with GWIC 319785). These wells are approximately 1.2 miles (6,336 feet) north from the Clark Fork River, which is interpreted to be the potentially affected surface water for the subject application. The wells should be fitted with backflow preventers that will not allow surface water contaminants to enter the ground water aquifer through the well casings. The groundwater aquifer was modeled by the Department and the groundwater flux through the zone of influence is equal to 69,418 AF/year. Impacts to neighboring wells were also analyzed and after five years of pumping, zero wells within the zone of influence will experience drawdown greater than 1 foot. Water diverted from the source aquifer does result in a depletion to the Clark Fork at a maximum of 84.3 GPM and a total of 91.2 AF. These depletions will be offset or replaced by the purchase of mitigation water shares from the City of Missoula. Those mitigation shares are not yet available as the associated change application modifying the rights to mitigation, marketing for mitigation and instream fishery purposes has not been approved by the Department. While there is no reason to believe this change will not be approved (and that mitigation shares will not be available), mitigation water is not currently available to the Applicant. Through the purchase of mitigation shares, it is anticipated that there will be no change to the volume of water flowing in the Clark Fork River through the effected reach.

Determination: No significant impacts with mitigation to offset depletions to the Clark Fork River.

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 applicant proposes to divert water from two wells. The main production well (GWIC ID 319686) has an 8-inch casing, with a total depth of 120 feet deep. The secondary production well (GWIC ID 319785) has an 6-inch casing and is also 120 feet deep. Grant Creek has historically flowed through the place of use, but the Department determined that this surface water sources is hydraulically disconnected from the source aquifer. The points of diversion and places of use are not located near any streams or riparian areas that could be impacted. The surface water depletions to the Clark Fork River are intended to be mitigated/offset through the purchase of mitigation shares. Those mitigation shares are not yet available as the associated change application modifying the relevant water rights to mitigation, marketing for mitigation and instream fishery purposes has not been approved by the Department. There is no reason to believe this change will not be approved and that mitigation shares will not be available. Once mitigation water is secured, there would be no streamflow reductions resulting in channel impacts, flow modifications or barriers to fish migration in surface water sources. Well construction will not be impacted. The effects to the local groundwater aquifer were modeled and drawdown is limited to less than 1 foot, resulting in no impacts to existing groundwater wells or future well construction in the project vicinity.

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.”*

The Montana Natural Heritage Program (MNHP) was utilized 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 MNHP identified the following species of concern: Westslope Cutthroat Trout, Bull Trout, Bald Eagle, American Goshawk, Golden Eagle, Ferruginous Hawk, long-legged Myotis, Western Skink, Monarch, Snapping Turtle, Canada Lynx, Little Brown Myotis, Long-eared Myotis, Silver-haired Bat, Northern Hoary Bat, Black Tern, Black-crowned Night Heron, Black-necked Stilt, Bobolink, Harlequin Duck, Horned Grebe, Long-billed Curlew, Wolverine, Black-backed Woodpecker, Trumpeter Swan, Northern Alligator Lizard, Western Toad, A Caddisfly, Western Pearlshell, Lyrate Mountainsnail, American White Pelican, Yellow-billed Cuckoo, Evening Grosbeak, Great Blue Heron, Suckley’s Cuckoo Bumble Bee, Lewis’s Woodpecker, Verry, Grizzly Bear, Cassin’s Finch, Pacific Wren, Pileated Woodpecker, Worn Stygobromid, Brewer’s Sparrow and Varied Thrush.

Additionally, the following vegetation and plant species of concern have been identified: Linearleaf Moonwort, Craue’s Sedge, Long-Sheath Waterweed, Coville’s Rush, Dwarf woolly-heads, Fleshy Stitchwort, Meesia Moss, Pointed Broom Sedge, Panic Grass, Beaked Spikerush, Pale-yellow Jewel-weed, Flatleaf Bladderwort, Columbia Water-meal, Spiny-spore Quillwort and Stalk-leaved Monkeyflower.

The location of the proposed groundwater diversions and places of use are in an area that supports both agricultural and residential development. Some impacts to the above-listed species may occur through the nature of this proposal.

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.*

The USFWS National Wetlands Inventory shows that there is freshwater pond habitat on the southern end of the proposed POU. No impacts are anticipated.

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.*

The major type at the proposed place of use is Desmet loam, 0 to 2% slopes. The use of groundwater for irrigation purposes is not anticipated to cause degradation of soil quality or stability. Water will be diverted from two wells and conveyed in underground conveyance facilities to wheel lines, hand lines and sprinkler heads. The project is also not anticipated to result in any saline seep.

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 place of use is open space with natural vegetation. This project is not anticipated to cause any further establishment or spread of noxious weeds. Noxious weed control and prevention will be the responsibility of landowners, who must follow local noxious weed regulations.

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.*

There will be no impacts to air quality associated with issuance of the proposed permit for beneficial use of groundwater.

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.*

This project is not located on any State or Federal lands.

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 project site is private property with limited recreational opportunities for the public. 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? 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?

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.

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*

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2. *Comments and Responses*

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 related to the proposed project have been identified.

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

Name: Alex Dalglish

Title: Water Conservation Specialist

Date: June 18, 2025