

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. APPLICANT/CONTACT NAME AND ADDRESS:

David A. & Sandra L. Sabey Living Trust
301 Echo Lake Rd
Bigfork, MT 59911

2. TYPE OF ACTION:

Petition to Modify Permit No. 76K 30045589

3. WATER SOURCE NAME:

Groundwater

4. LOCATION AFFECTED BY PROJECT:

Section 16, Township 27N, Range 19W, Flathead County, Montana.

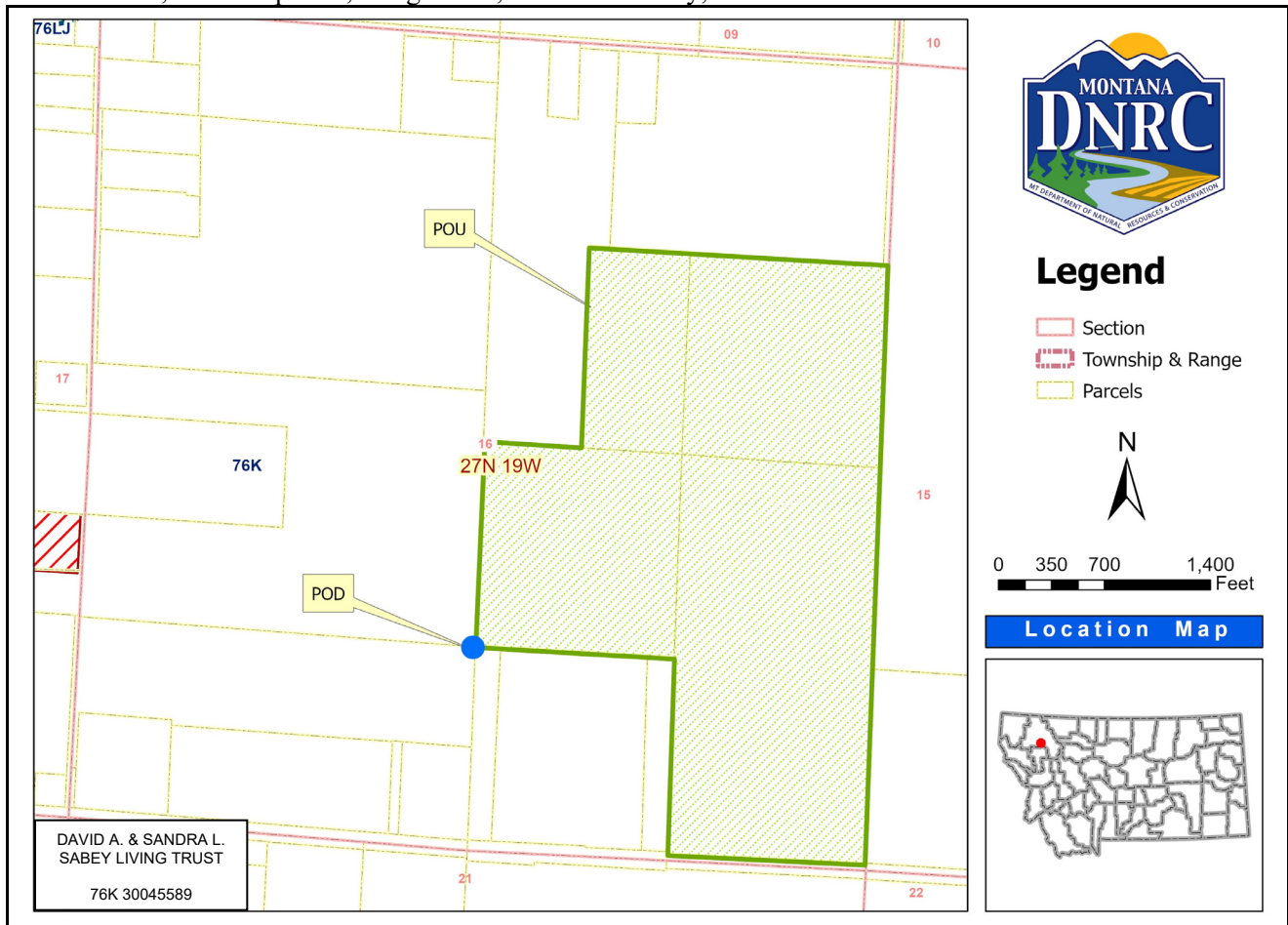


Figure 1. Map of the proposed place of use and point of diversion.

5. NARRATIVE SUMMARY OF THE PROPOSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:

This application proposes to modify Provisional Permit No. 76K 30045589 by removing the water measurement condition and no longer reporting annual water use measurements to the Department. The Provisional Permit is for a groundwater well with a flow rate of 225.00 gallons per minute (GPM) with an annual volume of 37.98 acre-feet (AF) per year. The purpose of the permit is for irrigation of 150.22 acres, between May 15 and September 15 annually. The point of diversion is located in the NESESW of Section 16, Township 27N, Range 19W, Flathead County. The place of use is in the NENWSE, NWNWSE, SWNWSE, SENWSE, NESWNE, SESWNE, NESENE, SWSENE, SESENE, and E2SE of Section 16, Township 27N, Range 19W, Flathead County.

The DNRC shall modify the permit if the Applicant proves the criteria in 85-2-314 MCA are met.

6. AGENCIES CONSULTED DURING PREPARATION OF THE ENVIRONMENTAL ASSESSMENT:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey
- U.S. National Park Service (NPS) Water Rights Branch

Part II. Environmental Review

1. ENVIRONMENTAL IMPACT CHECKLIST:

PHYSICAL ENVIRONMENT

1.1 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 Groundwater. Depletion to the following surface water sources could occur and was previously addressed in the Statement of Opinion by the Department when the permit was originally issued. These sources are Mud Lake, Echo Lake, Swan River, and Flathead Lake. These sources are not identified by DFWP 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.

According to the Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information Center in 2020 Flathead Lake was listed as having one or more uses impaired due to one or more of the following probable causes: Mercury, Polychlorinated Biphenyls (PCBs), Nitrogen, and/or Phosphorus. The Swan River was categorized as having insufficient data to assess uses. Mud Lake and Echo Lake have not been assessed by MDEQ Clean Water Act Information Center.

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 Petition to Modify is removing the condition that required measurements reporting volume and flow rates to be sent in annually. The Applicant is not changing the flow rate or volume of water diverted from the aquifer.

Determination: No significant impact.

1.2 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 project utilizes a well drilled by a licensed well driller (WWC-450). The well is drilled to a total depth of 322-feet below ground surface (bgs) and is cased from 2-feet above ground surface to a depth of 269-feet bgs with a 10-inch steel casing. A Robbco pump model 7AHE with a 60-hp motor is installed at a depth of approximately 238-feet bgs. Flow is controlled with a variable frequency drive and is monitored with an inline instantaneous and cumulative flow meter. The well pumps into a distribution system consisting of two branches of 8-inch buried PVC mainline. The mainline runs approximately 2,485-feet from the well to the crop. Water is delivered to an alfalfa crop by means of KIFCO Turbine W/SR150 rain wheels and Nelson SR Big Guns.

The project shall not impact any channels, barriers, riparian areas, or dams.

Determination: No significant impact.

1.3 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, 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 website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of special concern” in Section 16, Township 27N, Range 19W that could be impacted by the proposed project. Eighteen plant and animal species of concern (Table 1) were identified within the area specified above. Of these species the Grizzly Bear (*Ursus arctos*) is listed as threatened by the USFWS. Since this project is already in existence and under operation, no further impacts are expected.

Table 1. Species of Concern in Section 01, Township 26N, Range 20W.

Common Name	Scientific Name	U.S. FWS – Status of a taxon under the federal Endangered Species Act of 1973
Brown Creeper	<i>Certhia americana</i>	MBTA
Cassin's Finch	<i>Haemorhous cassinii</i>	MBTA; BCC10
Crested Shieldfern	<i>Dryopteris cristata</i>	
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	MBTA; BCC10
Fisher	<i>Pekania pennanti</i>	
Giant Helleborine	<i>Epipactis gigantea</i>	
Great Blue Heron	<i>Ardea herodias</i>	MBTA
Grizzly Bear	<i>Ursus arctos</i>	LT
Hooked Snowfly	<i>Isocapnia crinita</i>	
Kalm's Lobelia	<i>Lobelia kalmii</i>	
Long-legged Myotis	<i>Myotis volans</i>	
Pacific Wren	<i>Troglodytes pacificus</i>	MBTA
Pale-yellow Jewel-weed	<i>Impatiens aurella</i>	
Pileated Woodpecker	<i>Dryocopus pileatus</i>	MBTA
Suckley Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	
Varied Thrush	<i>Ixoreus naevius</i>	MBTA
Watershield	<i>Brasenia schreberi</i>	
Westslope Cutthroat Trout	<i>Oncorhynchus clarkii lewisi</i>	

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.

Determination: N/A, project does not involve wetlands.

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

Determination: N/A, project does not involve ponds.

- 1.4 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 soils in the project area are *Corvallis silty clay loam*, *McCaffery loamy fine sand*, *Selle fine sandy loam*, and *Stryker silt loam*. Soils within the place of use are not likely susceptible to saline seep. The project is in existence and under operation; no further degradation of soil quality shall occur.

Determination: No significant impact.

- 1.5 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.

It is not anticipated that the Modification will impact existing native vegetation or contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations.

Determination: No significant impact.

- 1.6 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 impact to air quality associated with issuance of the proposed permit for beneficial use of groundwater.

Determination: No significant impact.

- 1.7 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.

Determination: N/A, project not located on State or Federal Lands.

- 1.8 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 significant impact.

HUMAN ENVIRONMENT

- 1.9** **LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

- 1.10** **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 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. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

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

No negative impact on human health is anticipated from this proposed use.

Determination: No significant impact.

- 1.12** **PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

No government regulatory impacts on private property rights.

Determination: No impact.

- 1.13** **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:

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:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the removal of the measurement condition placed on this provisional permit.

Part III. Conclusion

1. PREFERRED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significance criteria evaluated in this EA, is an EIS required? ___Yes XNo

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.

4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:

Name: Alexis Nevins

Title: Water Resource Specialist

Date: 08 November 2023