

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:*

Ernest T Rouse Jr. Family Trust  
Jane M Culver GST Exempt Trust  
Bertram B. Culver Jr. GST Exempt Trust  
6 Wickersham Ln  
Saint Louis, MO 63124-1725

2. *Type of action:* Application for Beneficial Water Use Permit 76LJ 30121186

3. *Water source name:* Groundwater

4. *Location affected by project:* The place of use is generally located in the E2NESW Sec 6, T30N, R22W Flathead County, Montana



**Figure 1:** Proposed Place of Use and Parcel associated with the Ponds

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

The Applicant proposes to divert 23.8 AF of groundwater via developed springs January 1<sup>st</sup> thru December 31<sup>st</sup> and impound groundwater in three ponds that in combination total 4.53-acres for fishery purposes January 1<sup>st</sup> thru December 31<sup>st</sup>. The developed springs are underneath the ponds and are located in the E2NESW of Section 6, Township 30N, Range 22W, Flathead County, Montana. The three off-stream ponds are connected by small channels. 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:*  
(include agencies with overlapping jurisdiction)

- U.S. Fish and Wildlife Service and Montana Natural Heritage Program: Endangered, Threatened Species and Species of Special Concern, Wetland Mapper program
- Montana Department of Fish Wildlife & Parks (DFWP); Dewatered Stream Information
- Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information and PWS Drinking Water Watch databases
- U.S. Natural Resource Conservation Service (NRCS); web soil survey
- Montana Historical Society

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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**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 Application is for groundwater. The proposed new use will cause depletions to the Stillwater River. This source is not listed as being dewatered.

*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 Application is for groundwater, but depletions may occur to the Stillwater River. According to the MDEQ Clean Water Act website aquatic life uses within the Stillwater River are impaired by siltation and habitat alteration. Agricultural, drinking water and primary contact recreation uses are fully supported. The proposed diversion will reduce the total volume of water in the Stillwater River; the Department found that the proposed use will not affect water quality.

*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 Application is for groundwater. The proposed new use will cause depletions to the Stillwater River of 5.5 AF annually. The Department found that the proposed use will not affect the quality of surface waters or groundwater.

*Determination:* No 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.*

No flow rate is associated with this permit; the ponds are filled by developed springs at the base of the ponds. The total diverted volume is 23.8 AF and is equal to one fill of each pond and the connecting channels (18.3 AF) plus net evaporation off each pond and the connecting channels (5.5 AF). The maximum depth of two of the three ponds is below the recommended minimum depth suggested by MT FWP to maintain adequate oxygen levels for fish (trout). However, an aeration system will be installed and will maintain oxygen levels to at least 6.5 ppm. The pond is not lined to allow groundwater to flow through. A stocking permit will be obtained from MT FWP.

**Table 1:** Specifications of Proposed Ponds and Calculated Net Evaporation

<b>Location</b>	<b>Surface Area (Acres)</b>	<b>Max Depth (Feet)</b>	<b>Capacity (Acre Feet)</b>	<b>Net Evaporation (Acre Feet)</b>
Pond 1	1.63	8.00	5.22	1.99
Pond 2	1.94	8.00	7.76	2.37
Pond 3	0.67	12.00	4.02	0.82
Connecting Channels	0.29	9.00	1.31	0.35
<b>Total</b>	<b>4.53</b>		<b>18.3</b>	<b>5.5</b>

*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 website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern” in Township 30N, Range 22W that could be impacted by the proposed project.

The Beck Water-marigold (*Bidens beckii*), Watershield (*Brasenia schreberi*), Slender Cottongrass (*Eriophorum gracile*), and Water Bulrush (*Schoenoplectus subterminalis*) are listed as sensitive species by the United States Forest Service (USFS). The Pygmy-Water lily (*Nymphaea leibergii*) and Sprangletop (*Scolochloa festucacea*) are listed S1 by MFWP meaning their populations are at risk because their numbers are very limited. This area has been disturbed for over 30 years, impact to the sensitive plant species has most likely already occurred.

The Bull Trout (*Salvelinus confluentus*) is listed as threatened by USFS. The Fisher (*Martes pennanti*), Bald Eagle (*Haliaeetus leucocephalus*), Common Loon (*Gavia immer*), and Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*) are listed as sensitive species by the USFS. The Hoary Bat (*Lasiurus cinereus*), Little Brown Myotis (*Myotis lucifugus*), Pileated Woodpecker (*Dryocopus pileatus*), Evening Grosbeak (*Coccothraustes vespertinus*), Northern Goshawk (*Accipiter gentillis*), Cassin's Finch (*Haemorhous cassinii*), Varied Thrust (*Ixoreus naevius*), and Northern Alligator Lizard (*Elgaria coerulea*) are listed S3 to S3B by MFWP meaning their populations are at risk because their numbers are very limited. An adequate quantity of water will still exist in the Stillwater River to maintain existing populations of both threatened and sensitive species of fish should they exist. This area has been disturbed for several year, any impacts to sensitive mammal species or fish most likely have already occurred. The proposed project will not impact any threatened or endangered fish, wildlife, plants and aquatic species or any species of special concern.

*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.*

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

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

The Applicant proposes to divert water from springs to fill three ponds that in combination total 4.53 acres. The pond is not lined and primarily fed by groundwater from developed springs under the pond. The ponds have no direct surface water connection to the Stillwater River. The ponds will not negatively affect existing wildlife, waterfowl, or fish.

*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.*

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of stratified gravelly sandy loam to silty loam and gravelly loamy sand to coarse sandy loam. The capacity of the most limiting layer to transmit water is moderately high to high (0.57 to 1.98 in/hr). Soils within the proposed place of use are not susceptible to saline seep. The use of groundwater will not cause degradation of soil quality and stability.

*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 proposed place of use has had its vegetation disturbed and been filled in with water. Riparian plants have been planted around the pond.

*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.*

No air pollutants were identified as resulting from the Applicants proposed use of groundwater.

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

NA-project 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.*

<b>HUMAN ENVIRONMENT</b>
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**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 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 impact.

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

There should be no significant negative impact on human health from this proposed use.

*Determination:* No impact.

**PRIVATE PROPERTY** - *Assess whether there is 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 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:** 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:**

No reasonable alternatives were identified in the EA.

**PART III. Conclusion**

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

**2. Comments and Responses**

**4. 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 the proposed action because no significant impacts were identified.

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

Name: Melissa Brickl

Title: Hydrologist/Water Resource Specialist

Date: June 13, 2019