

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:**

Montana Real Estate Ventures, LLC
PO Box 6254
Fort Worth, TX 76115

2. **Type of action:** Surface Water Application for Beneficial Water Use Permit 76LJ 30122713

3. **Water source name:** Stillwater River

4. **Location affected by project:** SWSESE, Section 8, Township 30N, Range 22W, and NWNENE, Section 17, Township 30N, Range 22W, Flathead County, Montana.

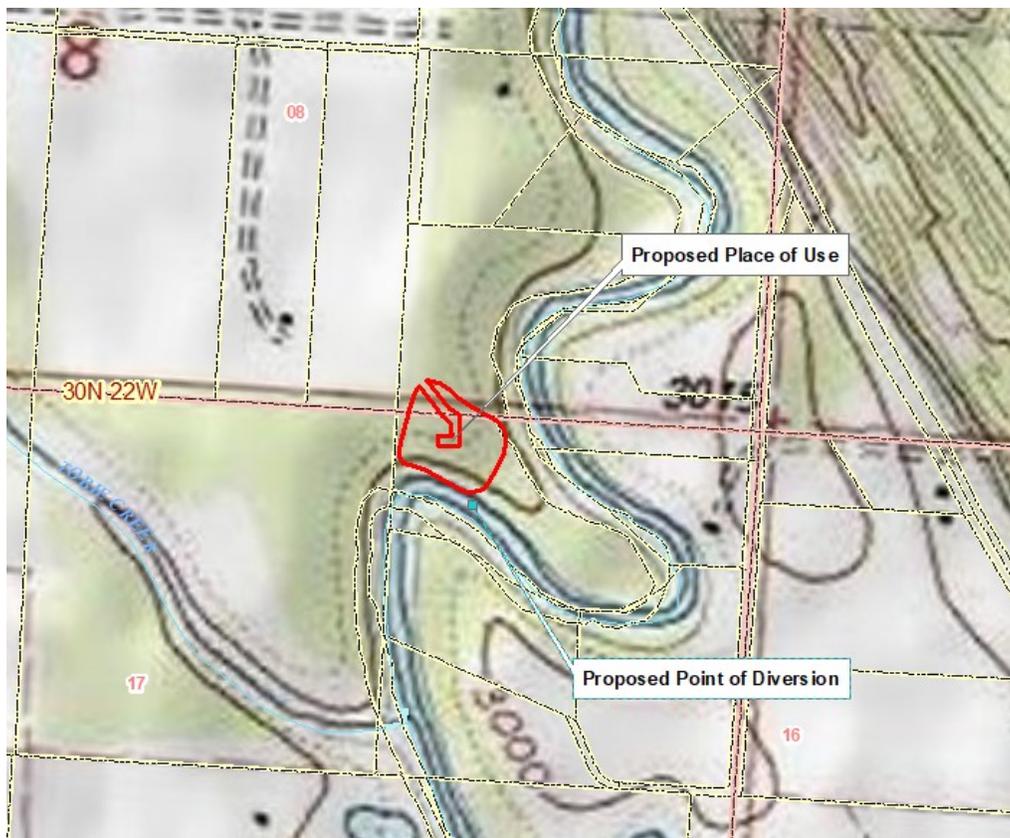


Figure 1. Map of the proposed place of use and point of diversion.

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

The Applicant proposes to divert water from the Stillwater River, by means of a pump, from April 15th – October 15th at a rate of 42.0 gallons per minute (GPM) up to 4.06 acre-foot (AF), from a point in the NWNENE, Section 17, Township 30N, Range 22W, Flathead County, Montana to irrigate 2.0 acres of lawn and garden. The place of use is in the SWSESE Section 8, and NWNENE, Section 17, Township 30N, Range 22W, Flathead County, Montana. The point of diversion is in the Upper Flathead River Basin (76LJ), in an area that is not subject to water right basin closures or controlled groundwater area restrictions. Potable water is provided via domestic well (Ground Water Certificate 76LJ 73970-00), though the well capacity reportedly can no longer sustain the continued pumping required for lawn and garden irrigation purposes without compromising domestic water quality. The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311 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

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 Applicant plans to divert water from the Stillwater River, which is not on the DFWP list of chronically or periodically dewatered streams.

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 MDEQ Clean Water Act Information Center's 2018 Water Quality Information, the Stillwater River is listed as "Not Fully Supporting" for aquatic life due to alteration in stream-side or littoral vegetative covers, and sedimentation-siltation. The Stillwater River's Water Quality Category is "4A," meaning all Total Maximum Daily Load (TMDL) plan documents needed to rectify all identified threats or impairments have been completed and approved.

The Applicant's proposed use of water is intended to establish groundcover vegetation to decrease seasonal-runoff soil erosion, which may improve water quality through reduced sedimentation.

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.*

Determination: N/A, this project diverts from a surface water source.

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 pump water from a point on the Stillwater River, at a rate of 42.0 GPM via a Grundfos CR 10-9H multi-stage centrifugal pump (or equivalent). The pump will be installed on a mobile, track-mounted platform, which will be lowered to the stream edge to divert water through a 1.5-inch pipe. Water will be distributed through 1.25-inch lines by a Hunter Pro-C irrigation controller to six irrigation zones. Up to two zones, with each zone containing up to 11 Rain Bird 3500 2.0-nozzle sprinklers, will operate at once. Pump and sprinkler specifications were included with the application. Based on the total dynamic head and pump curve associated with the pump, the system is capable of producing and distributing the requested flow rate and volume.

It is not anticipated that this project will create any channel impacts, flow modifications, barriers, dams, or riparian impacts to the Stillwater river related to the installation of the pump or intake pipe.

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 website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special

concern” in Township 30N, Range 22W that could be impacted by the proposed project. Seven plant and 12 animal species of concern (Tables 1 and 2) were identified within the township and range where the project is located. Of these species, the Grizzly Bear (*Ursus arctos*) and the Bull Trout (*Salvelinus confluentus*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain existing populations of Bull Trout, should they exist there currently. It is not anticipated that any species of concern will be impacted by the proposed project.

Table 1. Animal Species of Concern				
Hoary Bat (<i>Lasiurus cinereus</i>)	Little Brown Myotis (<i>Myotis lucifugus</i>)	Fisher (<i>Pekania pennanti</i>)	Grizzly Bear (<i>Ursus arctos</i>)	Northern Goshawk (<i>Accipiter gentilis</i>)
Evening Grosbeak (<i>Coccothraustes vespertinus</i>)	Pileated Woodpecker (<i>Dryocopus pileatus</i>)	Common Loon (<i>Gavia immer</i>)	Cassin's Finch (<i>Haemorhous cassinii</i>)	Varied Thrush (<i>Ixoreus naevius</i>)
Northern Alligator Lizard (<i>Elgaria coerulea</i>)	Westslope Cutthroat Trout (<i>Oncorhynchus clarkii lewisi</i>)	Bull Trout (<i>Salvelinus confluentus</i>)	Subarctic Bluet (<i>Coenagrion interrogatum</i>)	

Table 2. Plant Species of Concern				
Beck Water-marigold (<i>Bidens beckii</i>)	Watershield (<i>Brasenia schreberi</i>)	Pygmy Water-lily (<i>Nymphaea leibergii</i>)	Panic Grass (<i>Dichanthelium acuminatum</i>)	Slender Cottongrass (<i>Eriophorum gracile</i>)
Water Bulrush (<i>Schoenoplectus subterminalis</i>)	Sprangletop (<i>Scolochloa festucacea</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 or critical riparian habitats.

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

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

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.

It is not anticipated that the proposed irrigation of approximately 2.0 acres of lawn and garden will have a negative impact on the soil quality, stability, or moisture content. The soil in the project area is Half Moon silt loam, 0- to 3-percent slopes, which are well drained soils that formed in Glaciolacustrine deposits. Soils within the place of use are characterized as non-saline to very slightly saline and are therefore not likely to cause 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.*

It is not anticipated that issuance of a water use permit will 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.

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.*

There will be no impact to air quality associated with issuance of the proposed permit for beneficial use of surface water.

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.*

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

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

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 significant 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 significant 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. There may be improved water quality in the domestic well, which had experienced decreased water quality when excessively pumped for lawn and garden irrigation.

Determination: No significant impact.

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 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:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of water from the Stillwater River.

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

None.

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: Travis Wilson
Title: Water Resource Specialist
Date: November 13, 2019