

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. Applicants/Contact names and addresses:

Bogdan & Marina Shkurinskiy
834 Blackmer Lane
Columbia Falls, MT 59912

2. Type of action:

Surface Water Application for Beneficial Water Use Permit 76LJ 30160453

3. Water source name:

Mooring Creek

4. Location affected by project:

The place of use is generally described as 6 acres in the SE ¼ of the NE ¼ of the NE ¼ of Section 22, Township 29N, Range 20W, and 1.5 acres in the SW ¼ of the NE ¼ of the NE ¼ of Section 22, Township 29N, Range 20W, Flathead County, Montana. (See Figure 1.)

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

The Applicants propose to divert water from Mooring Creek (historically known as Morning Creek), by means of a pump, from January 1st to December 31st, excluding August 1st to September 30th at 76 GPM up to 10.89 AF, from a point in the SE ¼ of the NE ¼ of the NE ¼ of Section 22, Township 29 N, Range 20 W, Flathead County, for irrigation from April 20th to October 31st, excluding August 1st to September 30th and stock watering use from January 1st to December 31st, excluding August 1st to September 30th. The POD 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.

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

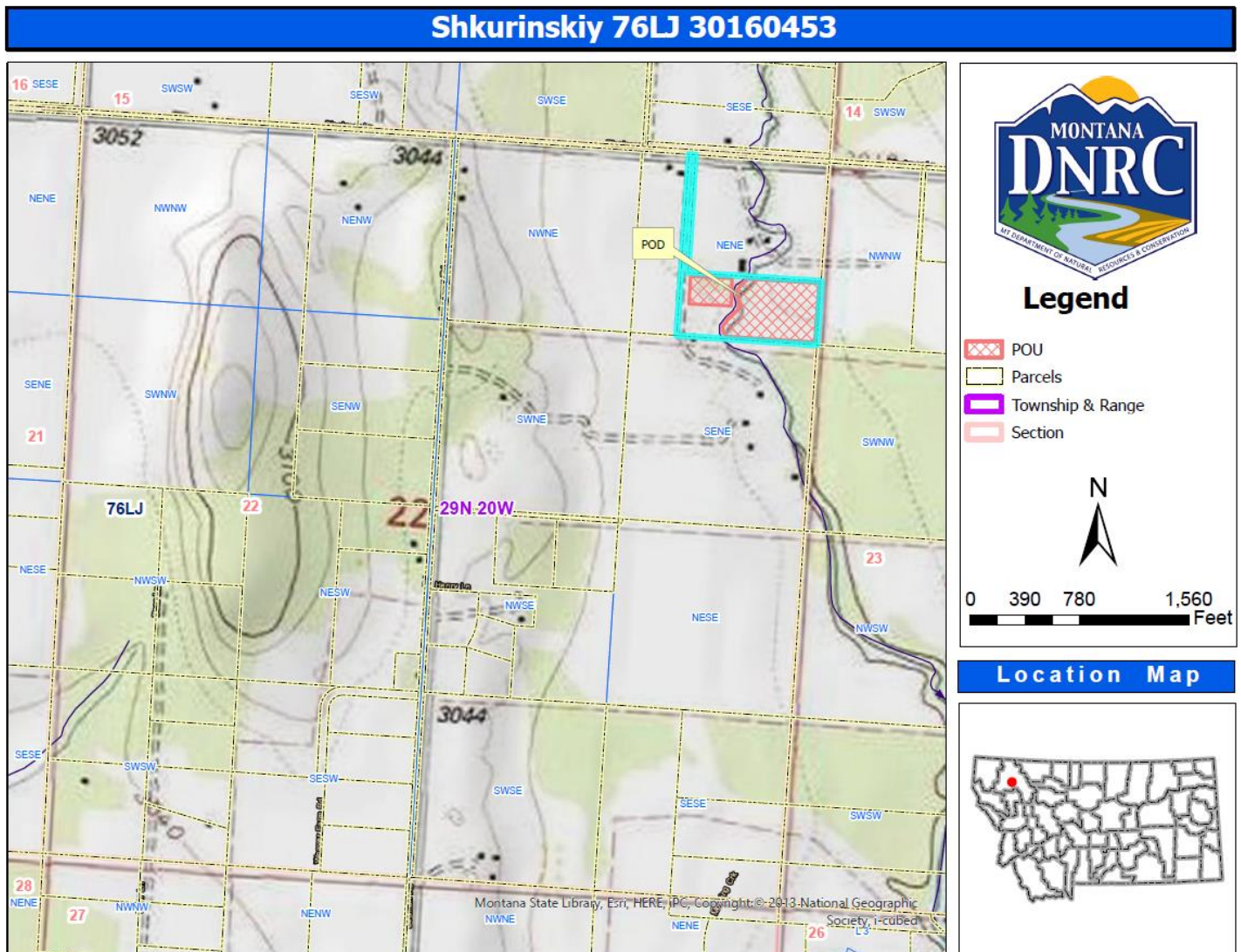


Figure 1. Map of Proposed Place of Use and Point of Diversion

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 Mooring Creek, which is on the DFWP list of periodically dewatered streams listed as Blaine Creek: Above Lake Blaine-Lake Blaine. The Applicant will not pump during the times of low flow (August-September.) Issuance of this permit will be based on the condition that the Applicant has met all statutory requirements outlined in Montana Code Annotated (MCA) § 85.2.311.

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 2020 Water Quality Information, there is no data for Mooring Creek in terms of its status as water quality impaired or threatened by DEQ.

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 Applicants will divert water from Mooring Creek at a maximum rate of 76 GPM. The diversion will use an AY McDonald 24500T 5 horsepower (HP) submersible pump. Water will be conveyed via 2-inch PVC to a series of irrigation headers producing water 1.5 acres on the west side of Mooring Creek and 6.0 acres on the east side of Mooring Creek. A Kifco Model T210 Water-Reel with a timed retractable sprinkler will be used to irrigate Alfalfa Hay on the property.

The total dynamic head (TDH) of the system at the farthest reach of the irrigation system is 187.6-feet, based on:

1. The maximum operating pressure of 62 pounds per square inch (psi) (equivalent to 143.1-feet of head);
2. The 5-foot elevation gain from Mooring Creek to the far end of the irrigation system; and,
3. The friction losses in the 434-foot long 2-inch diameter PVC supply line at 76 GPM (equivalent to 39.5-feet of head).

The Kifco T210 is capable of irrigating an area of 171x486 feet in a four hour period at a design flow of 76 GPM and 62 psi, therefore, the irrigated area will be divided into five zones to be operated one at a time. The Applicant intends to irrigate an average of 46 hours per week and record total irrigation hours on a weekly basis.

The AY McDonald 25400T 5 HP pump is capable of producing 76 GPM at 187.6-feet of TDH based on the Applicant-provided system specifications. This flow rate will allow the Applicants to supply the irrigation system at adequate operating pressures.

A 250-gallon stock tank will be manually filled by connecting a 1-inch hose to the irrigation connection on the west side of Mooring Creek. The stock tank will only be refilled when the irrigation system is off to ensure the Applicant does not exceed the requested flow of 76 GPM.

This project will not create any channel impacts, flow modifications, barriers, dams, or riparian impacts to Mooring Creek, nor will it affect any wells.

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 on March 1, 2024 to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of special concern” in Township 29N, Range 20W that could be impacted by the proposed project. Thirty-six animal and sixteen plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Canada Lynx (*lynx canadensis*), the Grizzly Bear (*Ursus arctos*), the Wolverine (*Gulo gulo*), the Bull Trout (*Salvelinus confluentus*), the Whitebark Pine (*Pinus albicaulis*), and the Spaulding’s Catchfly (*Silene spaldingii*) are listed as threatened by the USFWS. This appropriation of water involves minimal development of the land, including irrigation installation and a stock pen, and it is not anticipated that any species of concern will be further impacted by the proposed project.

Table 1. Animal Species of Concern in and around Township 29 N, Range 20 W, Flathead County.

	Common Name	Scientific Name	U.S. FWS – Status under the Federal Endangered Species Act of 1973
Mammals	Canada Lynx	<i>Lynx canadensis</i>	Listed Threatened (LT); Critical Habitat (CH)
	Fisher	<i>Pekania pennanti</i>	
	Grizzly Bear	<i>Ursus arctos</i>	Listed Threatened (LT)
	Hoary Bat	<i>Lasiurus cinereus</i>	
	Little Brown Myotis	<i>Myotis lucifugus</i>	
	Long-eared Myotis	<i>Myotis evotis</i>	
	Long-legged Myotis	<i>Myotis volans</i>	

	Townsend's Big-eared Bat	<i>Coryhius townsendii</i>	
	Wolverine	<i>Gulo gulo</i>	Listed Threatened (LT)
Birds	Black Tern	<i>Chlidonias niger</i>	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Regions 10, 11, 17
	Bobolink	<i>Dolichonyx oryzivorus</i>	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Regions 10, 11, 17
	Boreal Chickadee	<i>Poecile hudsonicus</i>	Migratory Bird Treaty Act (MBTA)
	Brown Creeper	<i>Certhia americana</i>	Migratory Bird Treaty Act (MBTA)
	Cassin's Finch	<i>Haemorrhous cassinii</i>	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 10
	Clark's Nutcracker	<i>Nucifraga columbiana</i>	Migratory Bird Treaty Act (MBTA)
	Evening Grosbeak	<i>Coccothraustes vespertinus</i>	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 10
	Golden Eagle	<i>Aquila chrysaetos</i>	Bald and Golden Eagle Protection Act (BGEPA); Migratory Bird Treaty Act (MBTA)
	Gray-crowned Rosy-Finch	<i>Leucosticte tephrocotis</i>	Migratory Bird Treaty Act (MBTA)
	Great Blue Heron	<i>Ardea herodias</i>	Migratory Bird Treaty Act (MBTA)
	Great Gray Owl	<i>Strix nebulosa</i>	Migratory Bird Treaty Act (MBTA)
	Harlequin Duck	<i>Histrionicus histrionicus</i>	Migratory Bird Treaty Act (MBTA)
	Lewis's Woodpecker	<i>Melanerpes lewis</i>	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Regions 10, 17
	Long-billed Curlew	<i>Numenius americanus</i>	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 11
	Pacific Wren	<i>Troglodytes pacificus</i>	Migratory Bird Treaty Act (MBTA)
	Pileated Woodpecker	<i>Dryocopus pileatus</i>	Migratory Bird Treaty Act (MBTA)
	Trumpeter Swan	<i>Cygnus buccinator</i>	Migratory Bird Treaty Act (MBTA)
	Varied Thrush	<i>Ixoreus naevius</i>	Migratory Bird Treaty Act (MBTA)
	Veery	<i>Catharus fuscescens</i>	Migratory Bird Treaty Act (MBTA)
Fish	Bull Trout	<i>Salvelinus confluentus</i>	Listed Threatened (LT); Critical Habitat (CH)
	Pigmy Whitefish	<i>Prosopium coulterii</i>	
	Westslope Cutthroat Trout	<i>Oncorhynchus clarkia lewisi</i>	
Invertebrate	Suckley Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	
	Hooked Snowfly	<i>Isocapnia crinite</i>	
	Alberta Snowfly	<i>Isocapnia integra</i>	
	A Cave Obligate Isopod	<i>Salmasellus steganothrix</i>	

Table 2. Plant Species of Concern in and around Section 2, Township 31 N, Range 20 W, Flathead County.

	Common Name	Scientific Name	U.S. FWS – Status under the Federal Endangered Species Act of 1973
Vascular Plants	Sparrow's-egg Lady's-slipper	<i>Cypripedium passerinum</i>	
	English Sundew	<i>Drosera angelica</i>	
	Beaked Spikerush	<i>Eleocharis rostellata</i>	
	Meadow Horsetail	<i>Equisetum pratense</i>	
	Slender Cottongrass	<i>Eriophorum gracile</i>	
	Latah Tule Pea	<i>Lathyrus bijugatus</i>	
	Pygmy Water-lily	<i>Nymphaea leibergii</i>	

Bryophyte	Adder's Tongue	<i>Ophioglossum pusillum</i>	
	Whitebark Pine	<i>Pinus albicaulis</i>	Listed Threatened (LT)
	Pod Grass	<i>Scheuchzeria palustris</i>	
	Water Bulrush	<i>Schoenoplectus subterminalis</i>	
	Spalding's Catchfly	<i>Silene spaldingii</i>	Listed Threatened (LT)
	Columbia Water-meal	<i>Wolffia columbiana</i>	
	Short-beaked Aloe Moss	<i>Aloina brevirostris</i>	
	Schreber's Dicranella Moss	<i>Dicranella schreberiana</i>	
	Meesia Moss	<i>Meesia uliginosa</i>	
	Warnstorfia Moss	<i>Sarmentypnum exannulatum</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.

A portion of the project location contains a Freshwater Emergent Wetland that exists on either side of Mooring Creek on the northern part of the project location and extending northward outside of the project location. The wetland is classified by the United States Fish and Wildlife Service National Wetlands Inventory as a PEM1A, where;

- (P) means a Palustrine System that includes all nontidal wetlands dominated by trees, shrubs, persistent emergent, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salt is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with each of the four characteristics;
 - Area less than 8 ha (20 acres);
 - Active wave formed or bedrock shoreline features lacking;
 - Water depth in the deepest part of the basin is less than 2.5 m (8.2 ft) at low water; and,
 - Salinity due to ocean derived salts is less than 0.5 ppt.
- (EM) means an Emergent Class that is characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.
- (1) means a Persistent Subclass that is dominated by species that normally remain standing at least until the beginning of the next growing season. The subclass is found only in the Estuarine and Palustrine systems.
- (A) means a Temporary Flooded Water Regime, where surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season.

The projected irrigation areas for this project will be outside of the wetland areas. Stock pens will contain stock animals and keep them out of wetland areas. Any impacts to the wetlands resource will be temporary and limited in scope during installation of the irrigation infrastructure.

Determination: No significant impact.

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 7.5 acres of alfalfa hay will have a negative impact on the soil quality, stability, or moisture content. The soil in the project area is primarily comprised of silt loam with some fine sand deposits, according to the United States Department of Agriculture (USDA) National Conservation Resource Service (NRCS) Web Soil Survey. Salinity content within the soil ranges from not at all to slightly saline, and hydraulic conductivity is low to moderate. Therefore, saline seep is unlikely, especially with efficiently timed irrigation practices. The slopes in the area are low (0-3 %) and irrigation will not alter the soil stability. Use of high efficiency Water Reel sprinklers and adherence to a strict timed water regiment, paired with low salt content of the soils will prevent saline seep. Moisture content of the soils will increase due to irrigation.

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.*

This property has already been historically irrigated and thus any impact to natural vegetation has already occurred. 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 landowners, who must follow local noxious weed regulations.

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 consistent with planned land uses.

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.*

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

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 Mooring Creek.

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: Kristal Kiel

Title: Water Resource Specialist

Date: April 23, 2024