

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

**1. APPLICANT/CONTACT NAME AND ADDRESS:**

QUIGLEY FAMILY TRUST; THOMAS & MARILYN SAUBERT FAMILY TRUST; CK SAUBERT  
SEPARATE PROPERTY TRUST  
120 Egan Road  
Kalispell, MT 59901

**2. TYPE OF ACTION:**

Application to Change a Water Right No. 76LJ 30162612

**3. WATER SOURCE NAME:**

Half Moon Slough – Flathead River

**4. LOCATION AFFECTED BY PROJECT:**

NWNE and the SENW of Section 26, Township 28N, Range 21W, Flathead County, Montana.

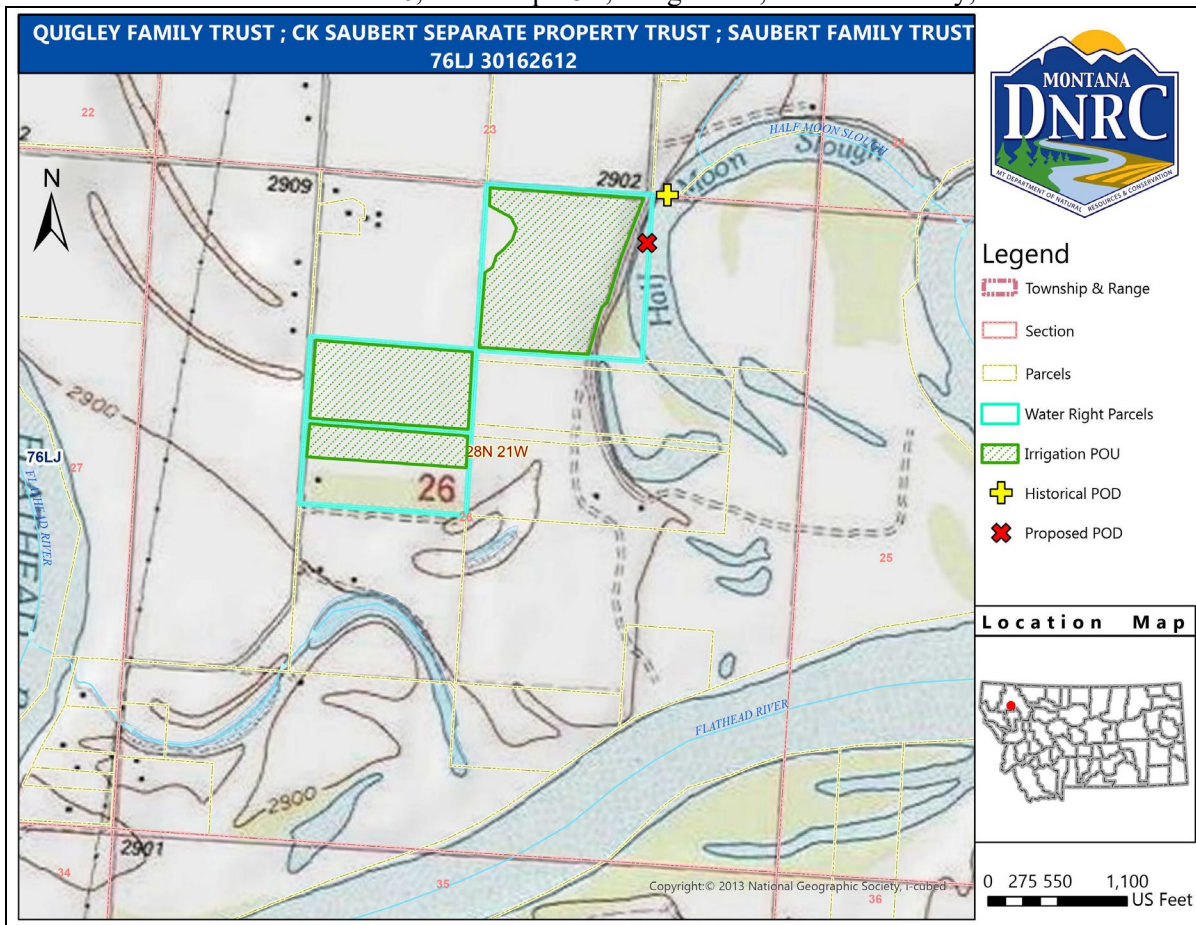


Figure 1. Map of the place of use and proposed point of diversion.

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

The proposed change of Statement of Claim 76LJ 30162601 is to add a new point of diversion (POD) approximately 280-feet south of the historical POD. Parent Statement of Claim 76LJ 9674-00 was split on 01/06/2024 and the resulting child Statement of Claim, 76LJ 30162601, is proposing to add a separate POD. The historical use of this claim is a flow rate of 1.25 cubic feet per second (CFS) and up to 97.18 acre-feet (AF) per year. The historical purpose is for 62.25 acres of irrigation from June 1 – September 15. The historical POD is in NENENWNE, and the proposed POD is in the SENENWNE of Section 26, Township 28N, Range 21W, Flathead County, Montana. The place of use is in the NWNE and SENW of Section 26, Township 28N, Range 21W, Flathead County, Montana (Figure 1) in the Upper Flathead River Basin (76LJ).

The DNRC shall issue a change authorization if the Applicant proves the criteria in §85-2-402 (2) 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
- Montana Historical Society: National Register of Historic Places

## **Part II. Environmental Review**

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**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 Applicant historically diverts water from Half Moon Slough of Flathead River, which is not identified by the DFWP as a chronically or periodically dewatered stream. The proposed change is to add a point of diversion 280-feet south of the existing pump site. No increase in volume or flow rate is proposed.

*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 CWAIC 2020 Water Quality Information, Flathead River is listed as “Not Assessed.” However, no change in irrigation practices is requested and will not change the current quality of Half Moon Slough.

*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, project does not involve groundwater.

**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 Applicant will divert water from Half Moon Slough at a maximum rate of 1.25 CFS using a Berkely Centrifugal Pump, Model No. B4EPBL. The pump will draw water through approximately 3,960 feet of 6-inch aluminum mainlines. The mainline will connect to wheeline sprinklers with a maximum length of 1,300 feet. Each sprinkler nozzle has an output of 5 GPM. No impacts are expected from the construction of the proposed point of diversion. This Statement of Claim has been in operation since the 1950’s and none of the existing infrastructure is proposed to change except the pump location.

*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 26, Township 28N, Range 21W that could be impacted by the proposed project. Fourteen plant and animal species of concern (**Table 1**) were identified within the area specified above. Of these species, the Bull Trout (*Salvelinus confluentus*) and Grizzly Bear (*Ursus arctos*) 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. No further impacts to species of concern are expected as a result of this project.

**Table 1.** Species of Concern in Section 26, Township 28N, Range 21W.

| Common Name               | Scientific Name                    | U.S. FWS – Status of a taxon under the federal Endangered Species Act of 1973 |
|---------------------------|------------------------------------|---|
| Alberta Snowfly           | <i>Isocapnia integra</i>           |   |
| Bobolink                  | <i>Dolichonyx oryzivorus</i>       | MBTA; BCC10; BCC11; BCC17   |
| Brown Creeper             | <i>Certhia americana</i>           | MBTA  |
| Bull Trout                | <i>Salvelinus confluentus</i>      | LT; CH  |
| Evening Grosbeak          | <i>Coccothraustes vespertinus</i>  | MBTA; BCC10   |
| Great Blue Heron          | <i>Ardea herodias</i>              | MBTA  |
| Grizzly Bear              | <i>Ursus arctos</i>                | LT  |
| Hoary Bat                 | <i>Lasiurus cinereus</i>           |   |
| Hooked Snowfly            | <i>Isocapnia crinita</i>           |   |
| Little Brown Myotis       | <i>Myotis lucifugus</i>            |   |
| Long-eared Myotis         | <i>Myotis evotis</i>               |   |
| Pileated Woodpecker       | <i>Dryocopus pileatus</i>          | MBTA  |
| Pygmy Whitefish           | <i>Prosopium coulteri</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.

The proposed point of diversion is located in an area classified as “Lake” and will not disrupt the surrounding wetlands.

*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.

- 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.*

It is not anticipated that the proposed point of diversion will have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are *Swims silty clay loam, 0 to 4 percent slopes* and *Swims silt loam, 3 to 7 percent slopes* formed from Alluvial parent material. Both soils are moderately well drained and nonsaline to very slightly saline. Soils within the place of use are not likely susceptible to saline seep.

*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 issuance of this change authorization will significantly 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 on air quality associated with issuance of the change authorization.

*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 place of use and proposed 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 a new point of diversion at this location.

### **Part III. Conclusion**

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**1. PREFERRED ALTERNATIVE:**

Issue a change authorization if the Applicant proves the criteria in §85-2-402 (2) MCA are met.

**2. COMMENTS AND RESPONSES:**

None.

**3. FINDING:**

*Based on the significance criteria evaluated in this EA, is an EIS required? \_\_\_ Yes  X  No*

*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:* 09 April 2024