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:**

Sean & Melodye Rooney
PO Box 97
Whitefish, MT 59937

2. **Type of action:**
Surface Water Application for Beneficial Water Use Permit 76LJ 30163639

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

Location affected by project:

W2NE Section 15, Township 30N, Range 21W, Flathead County, Montana.

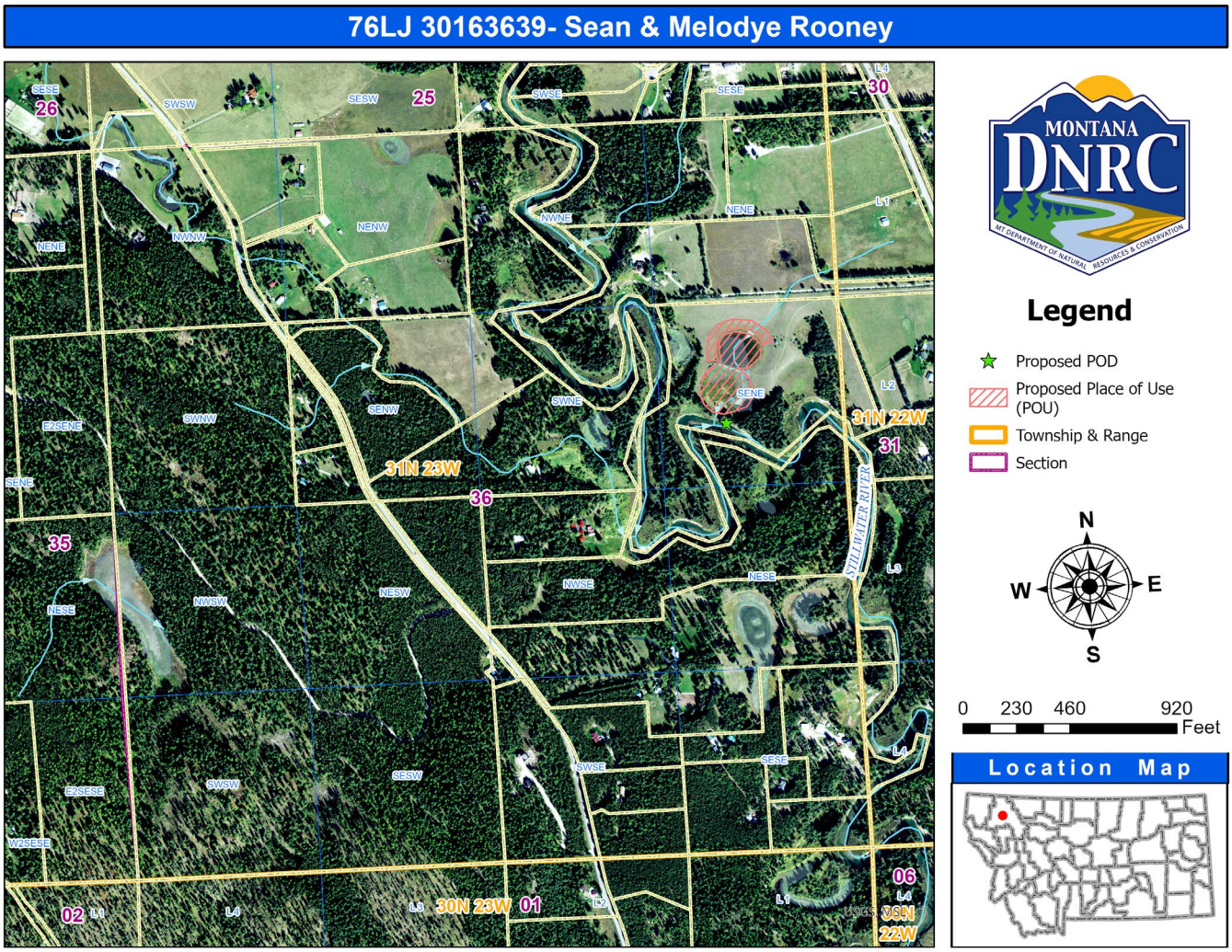


Figure 1. *Map of the proposed place of use and point of diversion.*

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

The Applicant proposes to divert water from March 1 to October 31 from the Stillwater River at a rate of 250 GPM (0.56 CFS). A total diverted volume of 39.75 AF is proposed for this project: 38.48 AF of water would be used between March 1 to October 31 for the purpose of wetland enhancement and 1.27 AF of water would be used between April 15 to October 15 for the purpose of irrigation. Both proposed water uses exist within the Applicants property in the SE ¼ of the NE ¼ of Section 36, Township 31 north, Range 23 west, Flathead County, Montana.

The POD is in the Flathead River, to and including Flathead Lake Basin (76LJ), in an area 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.

5. 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 (MTDFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MTDEQ): Clean Water Act Information Center
- U.S. Natural Resources 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 proposes to divert water from the Stillwater River, which is on the MTDFWP list of chronically dewatered streams downstream of the proposed appropriation four miles above the Lore Lake inlet up Lost Creek (a tributary of the Stillwater River).

The watershed delineation tool within the USGS Stream Stats software was used to determine the contributing drainages at the point of dewatering along Lost Creek and the point of confluence with the Stillwater River and Lost Creek (downstream of the point of dewatering). As shown in Figure 2, the proposed POD, and the Stillwater River above the confluence with Lost Creek, are not within the contributing drainage for the dewatered area of Lost Creek. Therefore, the proposed use will not worsen the already dewatered condition of Lost Creek, above the inlet of Lore Lake.

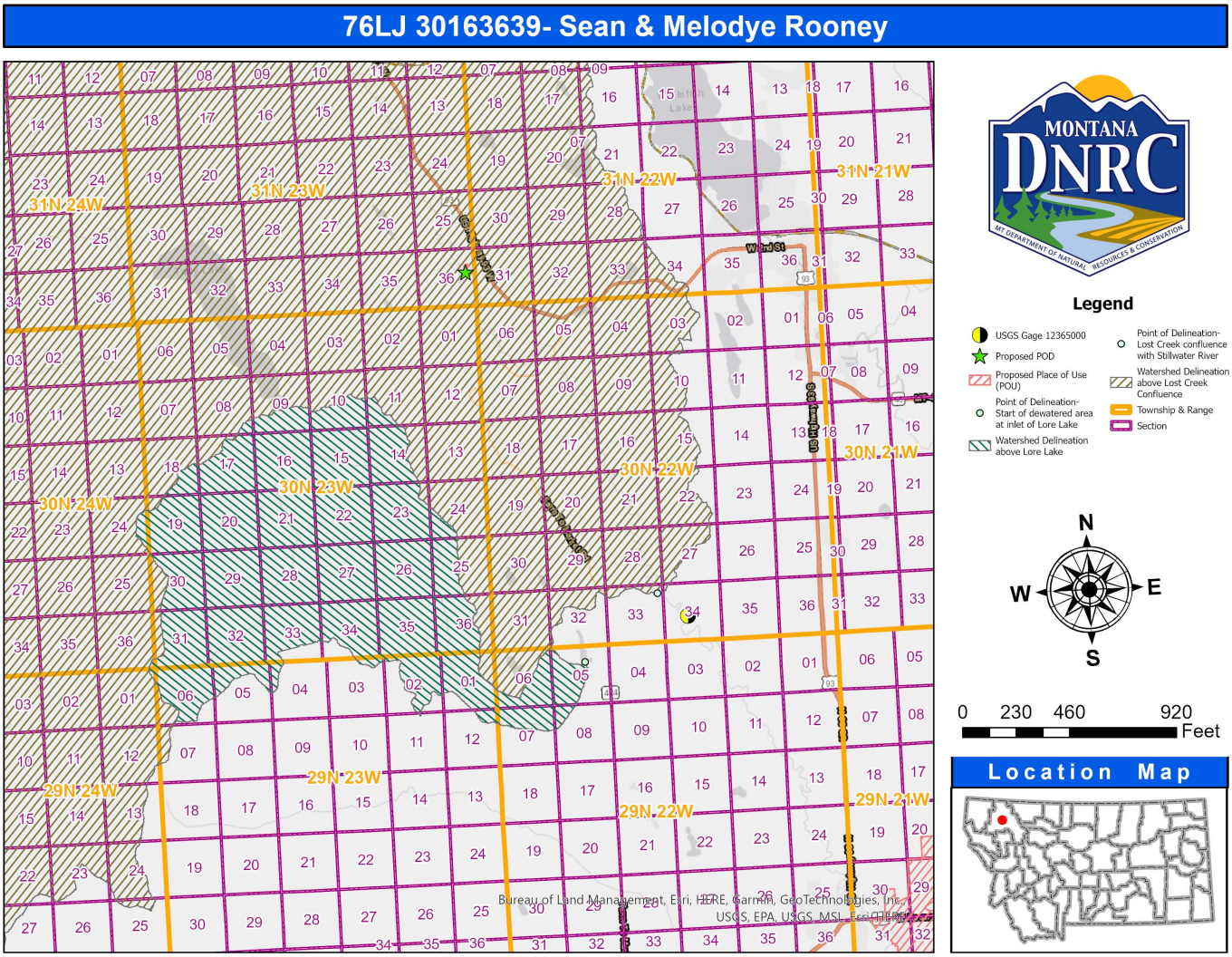


Figure 2- Contributing Drainages to Dewatered Area of Lost Creek Upstream of Lore Lake Inlet and Confluence of Lost Creek and Stillwater River

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, the Stillwater River, Logan Creek to mouth, is listed as "Fully Supporting" for agricultural use, drinking water, and primary contact recreation. The aquatic life use is "Not Fully Supporting", for aquatic life due to loss of riparian habitat and agriculture, and is moderately threatened by alteration in stream-side or littoral vegetative covers. The Stillwater River's Water Quality Category is a "4A" meaning all TMDLs needed to rectify all identified threats or impairments have been completed and approved. The proposed project is not anticipated to affect water quality, and may improve riparian habitat in the proposed wetland enhancement use.

The diversion of water for the proposed project will not affect the water quality of Stillwater River.

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 the Stillwater River at a maximum rate of 250 GPM. The diversion will us a Grundfos 230S30-1A submersible pump deployed on a sled seasonally at the point of diversion in the Stillwater River. Water will be conveyed via 500 feet of 6-inch diameter PVC pipe from the POD to the upper pond. The upper pond will be filled such that overflow will occur into the lower wetland (lower pond) area during four seasonal fill cycles. The total dynamic head (TDH) of the system transporting water from the Stillwater River to the upper pond is 24.18 feet, based on:

1. The 22-foot elevation gain from the Stillwater River to the upper pond; and
2. The friction losses in the 500 ft of 6-inch diameter PVC pipe at 250 GPM (equivalent to 2.18 feet of head).

The Grundfos 230S20-1A pump is capable of producing 250 GPM at 24.18 feet of TDH based on the Applicant-provided system specifications. This flow rate will allow the Applicants to fill the upper pond in a reasonable time frame and produce overflow to the lower wetland (lower pond) area.

A Grundfos 10 SQ05-110 submersible pump will be used to convey water via 80 ft of 1 inch pipe to a graded border irrigation of the orchard along a length of 607 feet long by 4 feet wide at an approximate rate of 10 GPM. The TDH of the system transporting water from the upper pond to the graded border area for orchard irrigation is 21 ft, based on:

3. The 16 ft elevation gain from the upper pond to the edge of the graded border; and
4. The friction losses in the 80 ft of 1 inch PVC pipe at 10 GPM (equivalent to approximately 5 ft of head).

The Grundfos 10 SQ05-110 submersible pump is capable of producing 10 GPM at 21 feet of TDH based on the Applicant-provided system specifications.

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, 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 31N, Range 23W that could be impacted by the proposed project. Thirty animal and twenty eight 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),* Grizzly Bear (*Ursus arctos*), Wolverine (*Gulo gulo*), Bull Trout (*Salvelinus confluentus*), and the Whitebark Pine (*Pinus albicaulis*) are listed as threatened by the USFWS. This area is already developed, 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 Township 31 N, Range 23 W, Flathead County.

	Common Name	**Scientific Name**	**U.S. FWS – Status under the Federal Endangered Species Act of 1973**
Mammals	Canada Lynx	*Lynx canadensis*	Listed Threatened (LT); Critical Habitat (CH)
	Fisher	*Pekania pennanti*	
	Grizzly Bear	*Ursus arctos*	Listed Threatened (LT)
	Little Brown Myotis	*Myotis lucifugus*	
	Long-eared Myotis	*Myotis evotis*	
	Long-legged Myotis	*Myotis volans*	
	Townsend's Big-eared Bat	*Corynorhinus townsendii*	
	Wolverine	*Gulo gulo*	Listed Threatened (LT)
	Yuma Myotis	*Myotis umanensis*	

Birds	American Goshawk	*Accipiter atricpillus*	Migratory Bird Treaty Act (MBTA)
	Bobolink	*Dolichonyx oryzivorus*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Regions 10, 11, 17
	Boreal Chickadee	*Poecile hudsonicus*	Migratory Bird Treaty Act (MBTA)
	Brown Creeper	*Certhia americana*	Migratory Bird Treaty Act (MBTA)
	Cassin's Finch	*Haemorthous cassinii*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 10
	Clark's Nutcracker	*Nucifraga columbiana*	Migratory Bird Treaty Act (MBTA)
	Common Loon	*Gavia immer*	Migratory Bird Treaty Act (MBTA)
	Evening Grosbeak	*Coccothraustes vespertinus*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 10
	LeConte's Sparrow	*Ammospiza leconteii*	Migratory Bird Treaty Act (MBTA)
	Lewis's Woodpecker	*Melanerpes lewis*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Regions 10, 17
	Pacific Wren	*Troglodytes pacificus*	Migratory Bird Treaty Act (MBTA)
	Pileated Woodpecker	*Dryocopus pileatus*	Migratory Bird Treaty Act (MBTA)
	Varied Thrush	*Ixoreus naevius*	Migratory Bird Treaty Act (MBTA)
	Veery	*Catharus fuscescens*	Migratory Bird Treaty Act (MBTA)
Reptiles	Northern Alligator Lizard	*Elgaria coerulea*	
Amphibians	Western Toad	*Anaxyrus boreas*	
Fish	Bull Trout	*Salvelinus confluentus*	Listed Threatened (LT), Critical Habitat (CH)
	Pygmy Whitefish	*Prosopium coulterii*	
	Westslope Cutthroat Trout	*Oncorhynchus clarkia lewisi*	
Invertebrates	Subarctic Bluet	*Coenagrion interrogatum*	
	Sheathed Slug	*Zacoleus idahoensis*	

Table 2. Plant Species of Concern in Township 31 N, Range 23 W, Flathead County.			
	Common Name	**Scientific Name**	**U.S. FWS – Status under the Federal Endangered Species Act of 1973**
Vascular Plants	Beck Water-marigold	*Bidens beckii*	
	Wavy Moonwort	*Botrychium crenulatum*	
	Least Moonwort	*Botrychium simplex*	
	Watershield	*Brasenia schreberi*	
	Creeping Sedge	*Carex chordorrhiza*	
	Sparrow's-egg Lady's-slipper	*Cypripedium passerinum*	
	Panic Grass	*Dichanthelium acuminatum*	
	Crested Shieldfern	*Dryopteris cristata*	
	Giant Helleborine	*Epipactis gigantea*	
	Marsh Horsetail	*Equisetum palustre*	
	Meadow Horsetail	*Equisetum pratense*	
	Slender Cottongrass	*Eriophorum gracile*	
	Water Star-grass	*Heteranthera dubia*	
	Scalepod	*Idahoa scapigera*	
	Latah Tule Pea	*Lathyrus bijugatus*	
	Kalm's Lobelia	*Lobelia kalmii*	
	Floriferous Monkeyflower	*Mimulus floribundus*	
	Foxtail Muhly	*Muhlenbergia andina*	
	Pygmy Water-lily	*Nymphaea leibergii*	
	Adder's Tongue	*Ophioglossum pusillum*	
	Arctic Sweet Coltsfoot	*Petasites frigidus var. frigidus*	
	Whitebark Pine	*Pinus albicaulis*	Listed Threatened (LT)
	Dense-flower Rein Orchid	*Piperia elongate*	
	Nagoonberry	*Rubus arcticus*	
	Pod Grass	*Scheuchzeria palustris*	
	Water Bulrush	*Schoenoplectus subterminalis*	
	Sprangletop	*Scolochloa festucacea*	
	Spalding's Catchfly	*Silene spaldingii*	Listed Threatened (LT)
	Hudson's Bay Bulrush	*Trichophorum alpinum*	
	Tufted Club-rush	*Trichophorum cespitosum*	

Bryophytes	Short-beaked Aloe Moss	*Aloina brevirostris*	
	Hamatocaulis Moss	*Hamatocaulis vernicosus*	
	Meesia Moss	*Meesia longiseta*	
	Meesia Moss	*Meesia triquetra*	
	Warnstorfia Moss	*Sarmentypnum exannulatum*	
	A Scorpidium Moss	*Scorpidium scorpiodes*	
Lichens	Gray Lungwort Lichen	*Lobaria hallii*	

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 wetland area for which this application is applying for wetland enhancement itself is classified by the USFWS National Wetlands Inventory as **PEM1C**, where:

- **P**- Palustrine system including 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 salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following 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 less than 3.5 m (8.2 ft) at low water;
    - And salinity due to ocean derived salts less than 0.5 ppt.
- **EM**- Emergent class, characterized by erect, rooted, herbaceous hydrophytes excluding mosses and lichens. This vegetation is present for most of the season in most years. These wetlands are usually dominated by perennial plants.
- **1**- Persistent subclass, dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.
- **C**- Seasonally Flooded water regime, where surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

The Stillwater River is classified as **R3UBH**, where:

- **R**- Riverine System including all wetlands and deepwater habitats contained within a channel, with two exceptions:
    - Wetlands dominated by trees, shrubs, persistent emergent, emergent mosses, or lichens, and;
    - Habitats with water containing ocean-derived salts of 0.5 ppt or greater.
- **3**- Upper Perennial subsystem characterized by a high gradient. There is no tidal influence, and some water flows all year, except during years of extreme drought. The substrate

consists of rock, cobbles, or gravel with occasional patches of sand. The natural dissolved oxygen concentration is normally near saturation. The fauna is characteristic of running water, and there are few or no planktonic forms. The gradient is high compared with that of the Lower Perennial Subsystem, and there is very little floodplain development.

- **UB**- Unconsolidated Bottom class including all wetlands and deepwater habitats with at least 25% cover of particles smaller tan stones (less than 6-7 cm), and a vegetative cover less than 30%.
- **H-** Permanently Flooded water regime, where water covers the substrate throughout the year in all years.

Additionally, there are wetlands within the vicinity of the project area classified as **PSS1A**, where:

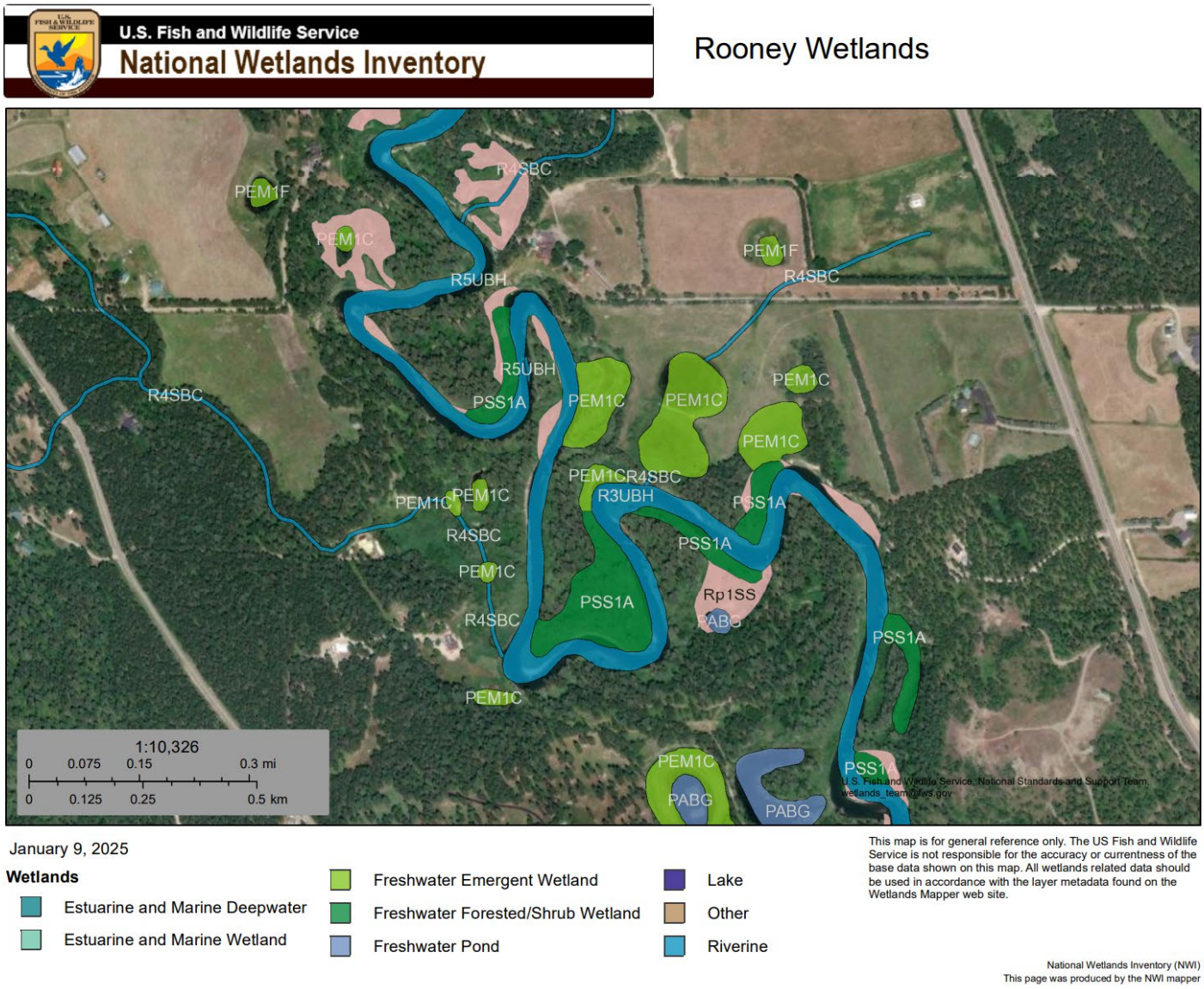
- **P**- same as above.
- **SS**- Scrub-Shrub class including areas dominated by woody vegetation less than 6 m (20 feet) tall. The species include true shrubs, young trees (saplings), and trees or shrubs that are small or stunted because of environmental conditions.
- **1**- Broad-Leaved Deciduous subclass including woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).
- **A**- Permanently 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.

Rp1SS, where:

- **Rp**- for Riparian System.
- **SS**- Scrub-Shrub class including areas dominated by woody vegetation less than 6 m (20 feet) tall. The species include true shrubs, young trees (saplings), and trees or shrubs that are small or stunted because of environmental conditions.
- **1**- Broad-Leaved Deciduous subclass including woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).

And **PABG**, where:

- **P**- same as above.
- **AB**- Aquatic Bed class, which includes wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years.
- **G**- represents an Intermittently Exposed water regime, where water covers the substrate throughout the year except in years of extreme drought.



Determination: The proposed appropriation does not involve any development of the land and is for enhancement of the wetland environment on the Applicant's property. No impact or improved impact is expected.

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

This project is for wetland enhancement, for which the Applicant has provided sufficient information that the proposed water use will benefit existing wildlife in the area.

Determination: No significant impact or positive.

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 proposed 0.55 acres of orchard irrigation will not negatively impact the soil quality, stability, or moisture content. The soil type in the project area is Aquepts, comprised of gravelly sandy loams. Slopes are 0 to 5 percent. The most limiting layer within the 80-inch soil profile has a moderately high to high capacity to transmit water. Soils in this area are not likely susceptible to 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.*

This area is already developed, and any existing native vegetation has already been disturbed. 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.*

NA- project not on State or Federal Lands.

Determination: No significant 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. 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. It shall be the landowners' responsibility to comply with all local county & city planning and zoning regulations.

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 is on private property and 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.*

This proposed use will not adversely impact human health.

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.

III. Conclusion

1. Preferred Alternative

Issue a water use permit if the Applicants prove 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: July 18, 2025