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*: Herbert W. and Lavonne M. Koenig

2. *Type of action*: Application for Beneficial Water Use Permit 76LJ-30041874

3. *Water source name*: Stillwater River.

4. *Location affected by action*: SW¼ & W½SE¼ Sec 12, Twp 29N, Rge 22W and NW¼NW¼, Sec 13, Twp 29N, Rge 22W, Flathead County.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits*: DNRC shall issue an authorization to change if the applicant meets the criteria in 85-2-402 MCA.

   Herbert W. and Lavonne M. Koenig applied for an Application to Change a Water Right involving Statement of Claims 76LJ-40581, 76LJ-40582 and 76LJ-40583 from the Stillwater River. Period of diversion will remain the same at May 1 through October 31 inclusive each year. Irrigation use will remain on the historic acres totaling 268.4 acres. Combined flow rate on these claims being changed is 2751 gpm and the combined volume is 498.1 acre-feet based on historic use. Point of diversion is being changed by moving the pump 0.75 miles upstream back to its original place located in the SW¼NW¼NW¼ of Sec 13, Twp 29N, Rge 22W. Since current point of diversion has been physically removed by current property owner, moving point of diversion will allow the Koenig's to keep irrigating 240 acres which they have placed in a conservation easement and 28.4 acres of irrigation around the farm.

6. *Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)*

   Montana Natural Heritage Program
   Montana State Historical Society
   NRCS Soil Survey of the Flathead Valley
   Natural Resources and Conservation Service soil maps
   Department of Fish, Wildlife and Parks

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.*

Determination: A search from the DFWP website does not show the Stillwater River as being on their list of chronically or periodically dewatered streams. This application is to change only the point of diversion; therefore, the current conditions of the river will not worsen. 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.*

Determination: From the confluence with Logan Creek to the mouth of the Stillwater River the Montana 303(d) list shows non-support for drinking, partial support for aquatic life and cold water fishery. It does fully support agriculture, industrial and recreation.

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: This project is for the use of surface water only. 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.*

Determination: The diversion will consist of a 200 horsepower turbine pump, a full circle center pivot and a 1/2 –circle center pivot and Z-corners for 240 acres. A wheel line and hoses will be used on the remaining acreage. The proposed point of diversion was established in 1950. It was then moved downstream in the early 1970s. This change will move it back to the original place of diversion. There will be no flow modifications. Minimal impact with construction of new pump station.

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."*

Determination: No impact. The Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project. They identified the following animal and plant species that are threatened, or have special status, that are located regionally: Gray Wolf, Black Tern and Bull Trout. The Black tern is located in a seasonal body of water located away from the project. Bull Trout are found in the Stillwater River. This minimal flow diversion would have less likely impact on the Bull Trout compared to the minerals found in the stream itself. The Gray Wolf roams throughout this region, but is not necessarily known, and unlikely to be found at the proposed project site.

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: No impact. No wetland.

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

Determination: No impact. No pond.

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.*

Determination: No impact. The Natural Resources and Conservation Service (NRCS) shows a variety of soil types in this area associated with irrigable farm land. The soils are not heavy in salts and there is no known saline seep in this area.

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.*

Determination: No impact. This parcel of land was historically used as irrigated cropland.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impacts are anticipated.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: No impact. The Montana Historical Society was contacted. They feel that there is a low likelihood cultural properties will be impacted. According to their records, there have been no previously recorded sites within the designated area.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

Determination: No other impacts were identified during this EA.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination:n This parcel was historically irrigated farmland. Two-hundred and forty acres have been put into a conservation easement to continue this use.

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.*

Determination: New point of diversion is on private land. No impact expected

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

Determination: No impact expected.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No*_XX_. *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?* No impact.

(c) Existing land uses? Existing land use to continue.

(*d) Quantity and distribution of employment?* No impact.

(e) Distribution and density of population and housing? No impacts.

(f) Demands for government services? No impacts.

(g) *Industrial and commercial activity?* None identified

(h) *Utilities?* No impacts.

(i) *Transportation?* No impacts.

(j) *Safety?* No impacts.

(k) *Other appropriate social and economic circumstances?* None identified

2. ***Secondary and cumulative impacts on the physical environment and human population:*** None expected

3. ***Describe any mitigation/stipulation measures:*** None identified

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 identified

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Because no significant impacts were identified, this EA is the appropriate level of analysis.

Name of person responsible for preparation of EA:

Name: Kathy Olsen
Title: Water Resources Specialist
Date: October 20, 2008