

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

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

Revised 11-00

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

Part I. Proposed Action Description

1. **Applicant/Contact name and address:** John C. Garbo  
521 N Springlake Circle  
Terry, MS 39170
2. **Type of action:** Application for Beneficial Water Use Permit No. 76K-P113086-00
3. **Water source name:** Deer Creek
4. **Location affected by action:** NENESW, Section 12, T27N, R19W, Flathead County
5. **Narrative summary of the proposed project, purpose, action to be taken, and benefits:**

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. This application is to obtain the legal right to use the water in Deer Creek for a single domestic household and five acres of lawn & garden. The water will be diverted through an infiltration gallery where it will be pumped with a three horsepower pump. This EA checklist will address the environmental impacts due to the amount of water diverted from the source. The applicant intends to divert water at a rate of 35 gpm not to exceed 13.5 acre-feet per year.

6. **Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)**  
State Historic Preservation Office (SHPO)  
Natural Heritage Program (NHP)  
Montana Fish, Wildlife & Parks (FWP)  
Department of Environmental Quality (DEQ)

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: Deer Creek is not listed on FWP's dewatered streams list. The proposed use is small relative to the volume of water available in the source. Water quantity will not be adversely affected due to the proposed use.

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: Deer Creek is not listed on DEQ's impaired streams list. The proposed use will not adversely affect water quality in the source.

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: The proposed use will not impact groundwater quality or supply.

### **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 proposed means of diversion is an infiltration gallery. An eight inch diameter pipe will take water from the infiltration gallery and feed into a wet well near by. A three horsepower pump will be placed at the top of the wet well with a four inch suction line to the bottom. Water will be diverted at 35 gpm up to 13.5 acre-feet per year for domestic and lawn & garden uses. The diversion works are standard practice for surface water diversions. There will be temporary stream bank alteration and deterioration during the construction only.

### **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: The applicant's property borders National Forest Land. The area is designated as grizzly bear habitat. Several plant and animal species of special concern were located at Mud Lake, the tributary of Deer Creek. The proposed use will not adversely impact species of special concern.

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: Not applicable

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

Determination: Not applicable

**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: The area geology and soils will not be altered due to the proposed use of Deer Creek.

**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: The applicant will be using water for his house and a five-acre lawn. The proposed use will decrease the chances of noxious weeds becoming established or spreading.

**Air quality**

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

Determination: The proposed project will not have an impact on air quality.

**Historical and archeological sites**

Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: A query with SHPO resulted in two historical sites in Section 12, T27N, R19W. There are remnants of an old homestead or farmstead and a historic road or trail located on or near the applicant's property. If the sites are on the applicant's property, then they belong to him now. Adverse impact is no longer an issue. If the sites are not on the applicant's property, then the proposed project will not adversely impact them.

**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: None

**HUMAN ENVIRONMENT**

**Locally adopted environmental plans and goals**

Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: The proposed project complies with locally adopted environmental plans and goals.

### **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: The applicant's property borders National Forest Service land. However, it will not restrict public access to the forest.

### **Human health**

Assess whether the proposed project impacts on human health.

Determination: No 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: Private property rights are not impacted or regulated by this proposed action. The right to use water belonging to the State of Montana will be become a property right if approved.

### **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 ? No impact
- (b) Local and state tax base and tax revenues ? No impact
- (c) Existing land uses ? No impact
- (d) Quantity and distribution of employment ? No impact
- (e) Distribution and density of population and housing ? No impact
- (f) Demands for government services ? No impact
- (g) Industrial and commercial activity ? No impact
- (h) Utilities ? No impact
- (i) Transportation ? No impact
- (j) Safety ? No impact

(k) Other appropriate social and economic circumstances ? No impact

2. **Secondary and cumulative impacts on the physical environment and human population:** The area surrounding the applicant's property is National Forest. If the surrounding area became subdivided for many homes, there would be cumulative impacts on the environment and human population. There would also be impacts on the source of water unless wells were used.
3. **Describe any mitigation/stipulation measures:** The applicant could use the water from a well to lessen the burden on Deer Creek.
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 No Action alternative would deny the applicant the right to use the water in Deer Creek. This may force him to drill a well for his uses.

### **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:** An EA is the appropriate level of analysis for this proposed action. No significant impacts have been identified as a result of the proposed action.

**Name of person(s) responsible for preparation of EA:**

**Name:** Cristy Carter

**Title:** Water Resource Specialist

**Date:** December 11, 2000