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

Part I. Proposed Action Description

1. Applicant/Contact name and address: Jack O. & Donna L. Paulson
416 Electric Ave
Bigfork, MT 59911

2. Type of action: Provisional Permit to Appropriate Water No. 76LJ-114039-00

3. Water source name: Flathead Lake

4. Location affected by action: Lot 7, Mauzey Tracts located in the NW¼ NE¼ SW¼, Section 19, Twp. 26N, Rge. 19W, Lake Co.

5. Narrative summary of the proposed project, purpose, and 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. The applicant is seeking a domestic water use permit from Flathead Lake. The request is for 10 gpm up to 1.63 acre-feet for one dwelling in the above location. The right to use water from Flathead Lake is not recognized by The State of Montana without first applying for and receiving a water use permit. The applicant will benefit by establishing a property right for the use of water from Flathead Lake as well as the obvious benefits of using water, a true elixir of life.

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

State Historic Preservation Office
Montana Natural Heritage Program
Department of Fish, Wildlife & 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: The source is not identified as chronically or periodically dewatered. Flathead Lake has a useable capacity of 572,300 acre-feet of water at a minimum operating elevation of 2,883 feet regulated by Kerr Dam.

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: Flathead Lake is listed on the Montana 303(d) list as fully supporting all of its beneficial uses except having only partial support for aquatic life. The "partially supporting" determination will not change by this appropriation nor will this project have an adverse impact to water quality. The lake fluctuates between 1,791,000 acre-feet at elevation 2893 and 572,300 acre-feet at elevation 2883 making this minor amount of water imperceptible in all aspects. The State of Montana has identified Flathead Lake as a water body that requires a watershed approach to water quality management or Total Maximum Daily Load (TMDL). The Flathead Basin Commission recommendation is for an interim TMDL target while the Confederate Salish and Kootenai Tribes work with the Montana DEQ to address threats to the health of the lake.

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 use of Flathead Lake water will not impact groundwater.

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 works will consist of a pump, suction line, pressure tank and distribution lines for the domestic dwelling and the lawn and garden. Actual installation of the waterline will require a lakeshore construction permit from Lake County. Any ground disturbance must be in accordance with the requirements of the permit.

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 10 gallons per minute of water from Flathead Lake is an imperceptible amount of water regarding any impact to the source. The Montana Natural Heritage Program was contacted to determine proximity of threatened or endangered fish, wildlife, plants or "species of special concern," if any. Bull Trout are currently endangered throughout western Montana except the Yaak River drainage above Yaak Falls. Contact was made with Jim Vashro from the Department of Fish, Wildlife & Parks to discuss possible impacts to Bull trout. It was explained there would not be an adverse impact because Bull Trout spawn in the headwaters of drainage,

which is Forest Service Land. They rear in these headwaters for two to three years at which time they reach 6 to 9 inches in length before moving downstream to deeper water such as Flathead Lake. By the time they move in to the lake they are large enough the low velocity water intake does not pose a danger to this sub-adult size Salvelinus Confluentus Pop2.

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: The project does not involve, nor is it near wetlands.

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

Determination: The 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.

Determination: The water flow to the home and yard area will be contained within distribution lines equipped with faucets so there should be no impact to the stability or moisture content of the soil. There will be some ground disturbance during the construction of the waterline but it is not considered significant.

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 existing vegetation is unplanted grasses and weeds. The spread of noxious weeds will be better controlled after development of the lot in to grass.

Air quality

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

Determination: There will be no effect to air quality from the establishment of a home on a .41 acre lot.

Historical and archeological sites

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

Determination: The area being developed is within an approved subdivision. The Montana Historical Society was contacted to assure no cultural properties exist within the project area.

SHPO identified several sites in the vicinity but none within the project area. Mainly identified were historic residence and a couple historic hotels. This project will have no impact to these sites.

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 impacts are anticipated.

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 project is consistent with the land use of the area. Recommended Water Quality Targets by the Flathead Basin Commission will cause load reduction and in time improve water quality.

Access to and quality of recreational and wilderness activities

Assess whether the proposed project will impact assess to or the quality of recreational and wilderness activities.

Determination: There will be no impact to the quality of recreation or wilderness activities nor will access be denied to any established recreation areas except by Forest Service road closures that occur throughout public domain in Lake County.

Human health

Assess whether the proposed project impacts on human health.

Determination: The project does not effect human health.

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 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

(b) Local and state tax base and tax revenues ? NO

(c) Existing land uses ? NO

(d) Quantity and distribution of employment ? NO

(e) Distribution and density of population and housing ? NO

(f) Demands for government services ? NO

(g) Industrial and commercial activity ? NO

(h) Utilities ? NO

(i) Transportation ? NO

(j) Safety ? NO

(k) Other appropriate social and economic circumstances ? NO

2. **Secondary and cumulative impacts on the physical environment and human population:** Most lakeshore property in the area has been developed making secondary and cumulative impacts of little or no concern.

3. **Describe any mitigation/stipulation measures:** No mitigation measures are required or necessary. The use of a screened intake is deemed unnecessary.

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:** A well may be reasonable to consider as an alternative but due to the small lot size there may not be room for both the septic system and the well. No action on this request would force the issue of another water source or totally stop the development of this lot.

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: No significant impacts have been identified, Therefore no EIS is necessary.

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

Name: Rich Russell
Title: Water Resources Specialist
Date: December 18, 2000