

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:* Jane S. and Harry J. Hyatt  
18051 East Shore Rte  
Bigfork, MT 59911
2. *Type of action:* Provisional Permit to Appropriate Water No. 76LJ-30009252
3. *Water source name:* Flathead Lake
4. *Location affected by action:* SESWNE Sec 32, Twp 25N, Rge 19W, Lake County  
Lot 10, Bear Dance Orchard Tracts
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. The applicant is requesting 55 GPM up to 21.85 acre-feet for domestic use for two households from January 1 to December 31 and irrigation of a ½ acre of lawn and garden and 6.5 acres of orchard using water from Flathead Lake from May 1 to October 1, inclusive of each year. The point of diversion is in the SESWNE of Section 32, Twp 25N, Rge 19W, Lake County. The means of diversion is a 5 HP pump with a capacity of 55 GPM. The place of use is Lot 10 of Bear Dance Orchard Tracts in Sec 32, Twp 25N, Rge 19W, Lake County. The use of water from Flathead Lake will supplement the existing uses of water from Yellow Bay Creek and Lolo Creek. This environmental assessment will focus on any impacts created by the installation of a water system for irrigation of seven acres of orchard and lawn and garden. The diversion system is similar to many others using water from Flathead Lake for irrigation purposes.
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, and Parks

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

<p style="text-align: center;"><b>PHYSICAL ENVIRONMENT</b></p>
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**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:* Flathead Lake is not identified as chronically or periodically dewatered. The lake has a usable capacity of 572,300 acre-feet of water at minimum pool of 2,883 feet. A utility company at Kerr Dam regulates the lake level.

**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 supporting all of its beneficial uses with one exception. Aquatic life is only partially supported. The “partially supporting” determination will not change by an appropriation of 55 GPM. The new water system will not have an impact on the water quality of Flathead Lake. The lake level fluctuates between 2883 feet and 2893 feet elevation (between 572,300 acre-feet and 1,791,000 acre-feet respectively) making this minor diversion of water imperceptible. Flathead Lake has been identified by Montana as a water body that requires a watershed approach to water quality or Total Maximum Daily Load (TMDL). The Department of Environmental Quality is working in conjunction with the Confederated Salish and Kootenai Tribes 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:* Lake water will be diverted by a 5 HP pump capable of supplying 55 GPM. The proposed project will not impact channels, flow modifications, barriers, riparian areas, dams, or well construction.

## **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 diversion of 55 GPM from Flathead Lake will not cause any impacts to the source or flora, fauna, or fisheries residing in or around the lake. Bull trout are the only endangered species of special concern (throughout western Montana). The Department of Fish, Wildlife, and Parks stated there would be no impact to bull trout. The bull trout spawn in the headwaters of the streams feeding Flathead Lake. By the time the trout enter the lake, they are of sufficient size that the low velocity water intakes do not pose a danger to the fish.

***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 proposed project does not involve nor is it near any wetlands.

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

*Determination:* The proposed project does not involve any 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 installation of the water system will not impact the soils. Saline seep is not a concern generally in western Montana.

***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 installation of a simple water system will have minimal impact to any vegetative cover. The proposed project will not result in the establishment or spread of noxious weeds but rather control the weeds due to the cultivation of seven acres of ground.

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

*Determination:* This small water system will not deteriorate air quality or increase any air pollutants.

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

*Determination:* Minor disturbances may occur when the water system is installed. Historical or archeological sites should not be impacted. The water will be used on an existing orchard. The east shore of Flathead Lake has been developed since the early 1900s.

**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:* Impacts to the environment are not anticipated from the development of this water system.

## 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.

**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 quality of and access to any recreation or wilderness activities will remain the same. The irrigation of lawn and garden and orchards are typical of uses in the area.

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

*Determination:* The project will not impact human health. The project will supply us with more of the renowned Flathead Lake cherries and other fruits.

**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 the development of this simple water system.

**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? None
- (f) Demands for government services? No
- (g) Industrial and commercial activity? No
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? None

2. ***Secondary and cumulative impacts on the physical environment and human population:*** Almost all areas around the lake are developed. Secondary or cumulative impacts are of limited or no concern.
3. ***Describe any mitigation/stipulation measures:*** No mitigation measures are required or necessary. Jim Vashro of the Montana Department of Fish, Wildlife, and Parks deemed the use of screened intakes 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:*** Pumping water from Flathead Lake is the simplest and most economical method to use for irrigation of an orchard. The existing orchard has been irrigated historically from two small streams emanating from the foothills of the Mission Range. Yellow Bay Creek and Lolo Creek have not been reliable sources of irrigation water for years. The no action alternative would deprive the applicant of a consistent and economical water supply for irrigation.

### **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: Significant impacts have not been identified or even anticipated, therefore an EIS is not necessary.*

*Name of person responsible for preparation of EA:*

*Name:* Judy Jeniker

*Title:* Water Resources Specialist

*Date:* April 13, 2004