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*: Richard & Jacqueline Hollander
149 S. Barrington Ave.
Los Angeles, CA 90049

2. *Type of action*: Application for Beneficial Water Use Permit No. 76LJ-30047499

3. *Water source name*: Flathead River (Flathead Lake)

4. *Location affected by action*: NENESW Sec 33, T26N R20W, Flathead County

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

The Applicant proposes to divert water from Flathead Lake, by means of a 5 hp electric pump from January 1 to December 31 annually at a rate of 42.5 GPM up to 0.85 AF for domestic use, and from April 15 to October 15 annually at a rate of 53 GPM up to 10.55 AF for lawn and garden irrigation on 4.22 acres. The maximum total diversion will be 95.5 GPM up to 11.40 AF annually. Water will be diverted a point in the NENESW of Section 33, T26N, R20W, with the pump placed directly on the lake bed at an elevation 10 feet below the low water mark. The place of use consists of 4.22 acres in the NENESW of Section 33, T26N, R20W. The place of use will be irrigated using pop up style sprinklers, with the water conveyed to the sprinklers via buried pipelines. The irrigation system will be set up zones, with the system operating for approximately 5.87 hours each day during the 184 day period of use for lawn and garden irrigation. The total daily application will be 0.057 AF, or 18,666.6 gallons per day. DNRC shall issue a water use permit if the applicant meets the criteria in 85-2-311, MCA.

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

Montana Natural Heritage Program	Inventory of Cultural Resources
State Historical Preservation Office	Sensitive Plants and Animals
NRCS Soil Survey of Lake Co.	Soil information
DFWP	2005 Impaired Stream List

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.*

Flathead Lake is not listed by DFWP as either periodically or chronically dewatered. Flathead Lake has a usable capacity of 1.7 million AF. This is the amount of water stored above the natural outlet channel by Kerr Dam. The total capacity of Flathead Lake is estimated to be 18.7 million AF. The Applicant's proposed appropriation of 11.4 AF for lawn and garden irrigation will have no measureable impact to the quantity of water in Flathead Lake.

Determination: 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.*

The Montana Department of Environmental Quality lists Flathead Lake as fully supporting agricultural use, cold water fisheries, drinking water, industrial use and primary recreation contact. DEQ lists Flathead Lake as partially supporting aquatic life. Sources of this impairment include atmospheric deposition and municipal point source discharge of mercury, nitrogen, phosphorus and polychlorinated biphenyls. Sedimentation/siltation also contributes to water quality impairment from silviculture harvesting and unspecified urban stormwater runoff.

The Applicant's proposed use of Flathead Lake for a source of domestic and lawn and garden irrigation water will not have a significant impact on water quality. The controlled sprinkler irrigation application of water will not result in overland waste water or below ground return flow runoff back to the lake, which could contribute to sedimentation/siltation.

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 the application is for surface water.

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 diversion works consists of a 5 hp pump placed on the bottom of Flathead Lake that will be capable of supplying the requested 95.5 GPM flow rate. Water will be conveyed to the place of use via buried pipelines. The placement of a pump on the bottom of the lake will not cause any channel impacts, or change the amount of water flowing through Flathead Lake. The pump will not create a barrier to fish migration. There will be some disturbance of the riparian area during installation of the pump and buried mainline. This impact will be limited to a small area (less than an acre) and will be a one-time occurrence. The use of Flathead Lake water for lawn and garden irrigation will not impact future well construction in the vicinity of the proposed project.

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 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."*

The Montana Historical Society (MHS) 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. MHS identified the following animal and plant species that are threatened, or have special status, that are located regionally.

> Bald Eagle, Gray Wolf, Fisher, Wolverine, Canada Lynx, Northern Alligator Lizard, A millipede, Columbia Locoweed,

The proposed project is located on the western shore of Flathead Lake in a developed area with numerous residences. Due to the developed nature of the project vicinity, the Applicant's property does not provide quality habitat for gray wolf, fisher, wolverine and lynx. Due to its location on Flathead Lake the project area may be used by Bald Eagle, although it is not known whether there are nests in the area. The use of water for domestic and lawn and garden irrigation will not create any loud disturbances or other activities that may impact bald eagle use of the site. It is not known if northern alligator lizards, millipedes or Columbia locoweed are found on the applicant's property. These species may have already been impacted by the applicant's existing landscaping and/or during installation of the sprinkler irrigation system.

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 proposed project does not create or impact any wetlands.

Determination: No impact.

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

The proposed project does not create or impact any ponds.

Determination: No impact.

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 soils in the vicinity of the project location are identified in the Natural Resources and Conservation Service (NRCS) Soil Survey of Lake County as kingspoint gravelly silt loam, 15 to 30 percent slopes, lake effect. The controlled application of sprinkler irrigation will not result in overland flow of water or saturation of the soil profile that could cause instability. These soils are not heavy in salts and are not subject to saline seep.

Determination: No 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.*

The proposed project site is a residential property on Flathead Lake. The applicant's parcel has existing landscaping and large mature trees. The applicant desires to maintain the existing landscaping and use Flathead Lake as a source of irrigation water. Due to the minimal ground disturbance required to install the sprinkler irrigation system there will be minimal exposed soils that could allow for establishment of noxious weeds.

Determination: No impact.

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

Deterioration of air quality and/or adverse effects on vegetation due to increased air pollutants is not expected. The water will be diverted using an electric motor, therefore, there will be no emissions, and/or increased noise levels associated with the proposed appropriation of groundwater.

Determination: No impact.

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

The State Historic Preservation Office (SHPO) feels there is a low likelihood cultural properties will be impacted, and that a cultural resource inventory is unwarranted at this time.

Determination: No 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 and no further impacts are anticipated.

Determination: No 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 located in an area with no locally adopted environmental plans.

Determination: No 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 will not inhibit, alter or impair access to the 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 on Flathead Lake.

Determination: No impact.

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

The project does not pose a significant risk to the human health.

Determination: No impact.

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?* 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:*

No reasonable alternatives were identified in the EA.

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:*

PART III. Conclusion

1. Preferred Alternative None identified.

2 Comments and Responses

3. ***Finding:***
*Yes___ No_**XX**__ 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:

AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THE PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.

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

Name: Jim Nave
Title: Water Resource Specialist
Date: June 4, 2010