

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION
WATER RIGHTS BUREAU

ENVIRONMENTAL ASSESSMENT

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of action:** WATER RIGHT PERMIT APPLICATION NO.
76LJ-P109448-00
2. **Applicant/Contact name and address:**
Carolyn E. Ennis & Kathleen A. Douglas
3000 Walden Place
Billings, MT 59102
3. **Water source name:** FLATHEAD LAKE
4. **Location affected by action:** SWSWSW, SEC 21, T25N, R20W, LAKE COUNTY
5. **Narrative summary of the proposed project and action to be taken:** THE DNRC SHALL ISSUE A WATER USE PERMIT IF THE APPLICANTS PROVE THE CRITERIA IN 85-2-311, MCA ARE MET. THIS APPLICATION IS TO OBTAIN THE LEGAL RIGHT TO USE THE WATER IN FLATHEAD LAKE FOR TWO DOMESTIC HOMES. THE USE IS FOR 20.6 GPM UP TO 3.3 ACRE-FEET OF WATER PER YEAR. THIS EA CHECKLIST WILL ADDRESS THE ENVIRONMENTAL IMPACTS TO THE PHYSICAL ENVIRONMENT WITH RESPECT TO THE POINT OF DIVERSION
6. **Agencies consulted during preparation of the environmental assessment:**
STATE HISTORIC PRESERVATION OFFICE (SHPO)
MONTANA NATURAL HERITAGE PROGRAM (MNHP)
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

PART II. ENVIRONMENTAL REVIEW

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

Soils/Geologic Features:

Degradation of soil quality or alteration of soil stability, moisture content, geologic substructure, unique geologic features, archeological sites?

A CULTURAL RESOURCE SURVEY FROM SHPO INDICATES THREE HISTORIC SITES IN SECTION 21, T25N, R20W. THE FIRST SITE IS LITHIC SCATTER SOMEWHERE IN SECTION 21. THE SECOND SITE IS A HISTORIC TRASH DUMP IN THE NE QUARTER OF SECTION 21. THE THIRD SITE IS A HISTORIC EURO-AMERICAN SITE IN THE SE QUARTER OF SECTION 21. THE HISTORIC SITES ARE NOT LISTED ON THE APPLICANT'S PROPERTY AND UNIQUE GEOLOGIC FEATURES WERE NOT IDENTIFIED, THEREFORE THERE WILL NOT BE ADVERSE IMPACT ON THE HISTORIC SIGNIFICANCE OF THE PROPERTY.

Erosion:

Alteration of erosion or siltation patterns that modify streambeds or lake shores?

YES, MINIMAL LAKESHORE ALTERATION DURING DIVERSION WORKS CONSTRUCTION.

Vegetation/Noxious weeds:

Change in or adverse affect on diversity and production of local plant species including any unique or endangered species (including trees, shrubs, grass, and aquatic plants)? Establishment or spread of noxious weeds?

NO. THE MNHP LISTED THE SMALL YELLOW LADY'S-SLIPPER AS A SPECIES OF SPECIAL CONCERN FOR THIS AREA. THE LAST SPECIMEN TAKEN WAS IN 1916 APPROXIMATELY FIVE AND A HALF-MILES SOUTH WEST OF THE PROPOSED SITE. FROM THE INFORMATION RECEIVED, THERE SHOULD NOT BE ADVERSE IMPACTS TO THE VEGETATION DUE TO THE PROPOSED WATER USE.

Air:

Deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

NOT DETERMINED

Water:

Alteration of surface water or groundwater quality including but not limited to temperature, dissolved oxygen, turbidity, quantity, or distribution?

FLATHEAD LAKE IS IDENTIFIED ON DEQ'S IMPAIRED WATERBODY LIST. IT HAS A HIGH TMDL DEVELOPMENT PRIORITY. THE PROBABLE IMPAIRED USE IS ITS AQUATIC LIFE SUPPORT. PROBABLE CAUSES ARE FLOW ALTERATION, NOXIOUS AQUATIC PLANTS, NUTRIENTS, SILTATION, AND SUSPENDED SOLIDS. THE PROBABLE SOURCES ARE ATMOSPHERIC DEPOSITION, A DOMESTIC WASTEWATER LAGOON, FLOW REGULATION/MODIFICATION, MUNICIPAL POINT SOURCES, ONSITE WASTEWATER SYSTEMS (SEPTIC TANKS), SILVICULTURE, AND UPSTREAM IMPOUNDMENT. THE PROPOSED USE IS FOR DOMESTIC PURPOSES THROUGHOUT THE YEAR. WATER WILL BE DIVERTED AT A RATE OF 20.6 GPM NOT TO EXCEED 3.3 ACRE-FEET OF WATER PER YEAR. THE PROPOSED FLOW RATE AND VOLUME ARE NEGLIGIBLE WITH RESPECT TO THE VOLUME OF WATER IN FLATHEAD LAKE. THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE WATER QUANTITY OR DISTRIBUTION.

Floodplain:

Changes in drainage patterns, course or magnitude of flood flows, or exposure of people/property to hazards (flood)?

NO

Wildlife Habitat/Migration:

Deterioration of critical fish or wildlife habitat? Creation of a barrier to the migration or movement of fish or wildlife?

NO

Endangered Species:

Adverse effects on any unique or endangered species?

THE MNHP LISTED THE BALD EAGLE AND THE FLATHEAD PONDSNAIL AS SPECIES OF SPECIAL CONCERN FOR THIS AREA. THE BALD EAGLE NEST SITE WAS LOCATED APPROXIMATELY 1 MILE FROM THE APPLICANT'S PROPERTY. THE POND SNAIL WAS LOCATED OVER 2 MILES SW OF THE APPLICANT'S PROPERTY. THE PROPOSED USE WILL NOT ADVERSELY AFFECT ENDANGERED SPECIES.

HUMAN ENVIRONMENT

Existing Land Use:

Alteration of or interference with the productivity or profitability of the existing land use of an area?

THE DOMESTIC DEVELOPMENT OF THE PROPERTY WILL INCREASE THE PROFITABILITY OF THE HUMAN ENVIRONMENT.

Historical Significance:

Destruction or alteration of a natural area of scientific or educational value or prehistoric or paleontological importance?

NO, SEE **SOILS/GEOLOGIC FEATURES** ABOVE.

Populace:

Alteration of the location, distribution, density, or growth rate of the human population of an area? Alteration of social structure of community?

THE DOMESTIC DEVELOPMENT OF THE PROPERTY INCREASES THE DENSITY OF THE HUMAN POPULATION ON FLATHEAD LAKE.

Transportation:

Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?

THERE WILL BE A SLIGHT BUT NEGLIGIBLE INCREASE IN TRAFFIC.

Safety:

Creation of any health hazard or affect on existing emergency response or evacuation plans?

NO, ONE EXTRA HOUSEHOLD IN A SUBDIVIDED AREA SHOULD NOT IMPACT THE SAFETY HAZARDS.

Public Services:

Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? Have an effect upon local or state tax base?

NO

Utilities:

Creates need for new or altered facilities for any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

YES, THE APPLICANT'S PROPERTY WILL NEED TO BE SUPPLIED WITH UTILITIES.

Aesthetics:

Alteration of any scenic vista or recreation opportunity or creation of an aesthetically offensive site to the public?

NO

Other:

THE APPLICANTS WILL BE INFORMED OF THE INFORMATION PROVIDED BY NHP AND SHPO. SPECIES OF SPECIAL CONCERN AND HISTORIC SITES WERE IDENTIFIED IN THE VICINITY OF THIS PROJECT BUT WERE NOT IN THE DIRECT LOCATION.

2. Secondary and cumulative impacts: THE ADDITION OF A SEPTIC SYSTEM AND A FERTILIZED LAWN WILL CONTRIBUTE TO THE NONPOINT SOURCE POLLUTION IN FLATHEAD LAKE.

3. Reasonable alternatives to the proposed action, including the no action alternative:

1) ISSUE THE PERMIT, THERE IS A NET LONG TERM POSITIVE IMPACT TO THE HUMAN ENVIRONMENT AND LITTLE TO NO IMPACT TO THE PHYSICAL ENVIRONMENT.

2) REJECT THE APPLICATION DUE TO UNKNOWN LONG TERM CUMULATIVE IMPACTS TO THE HUMAN OR PHYSICAL ENVIRONMENT. THE APPLICANTS WILL NEED TO FIND AN ALTERNATIVE WATER SOURCE SUCH AS A WELL.

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 ADEQUATE FOR THIS ACTION. THERE ARE NO SIGNIFICANT IMPACTS IDENTIFIED FROM THE PROPOSED DIVERSION.

PREPARED BY:

NAME: CRISTY CARTER

TITLE: WATER RESOURCES SPECIALIST

DATE: [Automatic date code removed]