

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:** Bobby G. & Barbara R. Williams
250 N. Juniper Bay Road
Somers, MT 59932
2. **Type of action:** Provisional Permit to Appropriate Water No. 76LJ-113144-00
3. **Water source name:** Flathead Lake
4. **Location affected by action:** NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, TWP. 27N, RGE. 21W, FL. CO.
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 seeking a domestic water use permit from Flathead Lake for a home that was built in 1980. The application includes .1 acre of lawn and garden around the home. Water will be diverted at a rate of 18 gpm up to 1.25 acre-feet per year. The physical work was completed more than 20 years ago; however, a water right was not established. 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 purpose of the application is to become compliant with the Water Use Act of July 1, 1973 which will benefit the applicant to have his water use from Flathead lake recognized as a property right by the State of Montana 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
Flathead County Appraisal Office
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 usable 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 water from Flathead Lake 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 consist of a pump, suction line, pressure tanks and distribution lines for the domestic and lawn and garden sprinkler system. The 1.5 horsepower Goulds pump, model number H5J 15N 2-stage jet pump is capable of supplying 18 gpm and will not impact the lakeshore since installation took place in 1980 and riparian areas have long since grown back covering any ground disturbance.

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 eighteen 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. Jim felt there would not be an adverse impact because Bull Trout spawn in the headwaters of a 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* Pop 2.

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: An onsite inspection found the lawn to be very green and well manicured with no evidence of saline seep.

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 the waterline happened more than 20 years ago and all vegetation has long since grown back. The issuance of the permit will not result in the establishment or spread of noxious weeds.

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 the air quality or adverse affect to vegetation.

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 Montana Historical Society was contacted and a site visit was made to assure there are no historical sites in the vicinity of this project. This property is located at the "wye" between two paved roads where the house has been located for twenty years.

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 occurred from this development.

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 access 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 Flathead 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 ? None
- (b) Local and state tax base and tax revenues ? None
- (c) Existing land uses ? None
- (d) Quantity and distribution of employment ? None
- (e) Distribution and density of population and housing ? None
- (f) Demands for government services ? None

- (g) Industrial and commercial activity ? None
- (h) Utilities ? None
- (i) Transportation ? None
- (j) Safety ? None
- (k) Other appropriate social and economic circumstances ? None

2. **Secondary and cumulative impacts on the physical environment and human population:** This area of the Flathead Valley is located on old highway 93 between Somers and Lakeside. The subject home was completed more than 20 years ago and is one of the newer homes in the neighborhood. Most areas have 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 was deemed unnecessary by Jim Vashro of the Montana Department of Fish, Wildlife & Parks.
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 will mean continued illegal use of Flathead Lake water.

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: November 21, 2000