

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. APPLICANT/CONTACT NAME AND ADDRESS:

Marlo's Liquid Assets Company, LLC
50230 Highway 93
Polson, MT 59860

2. TYPE OF ACTION:

Beneficial Water Use Permit for Groundwater Use No. 76LJ 30161004

3. WATER SOURCE NAME:

Groundwater – Flathead Deep Alluvial Aquifer

4. LOCATION AFFECTED BY PROJECT:

NWNWSW Section 15, Township (T) 30N, Range (R) 20W, Flathead County, Montana.

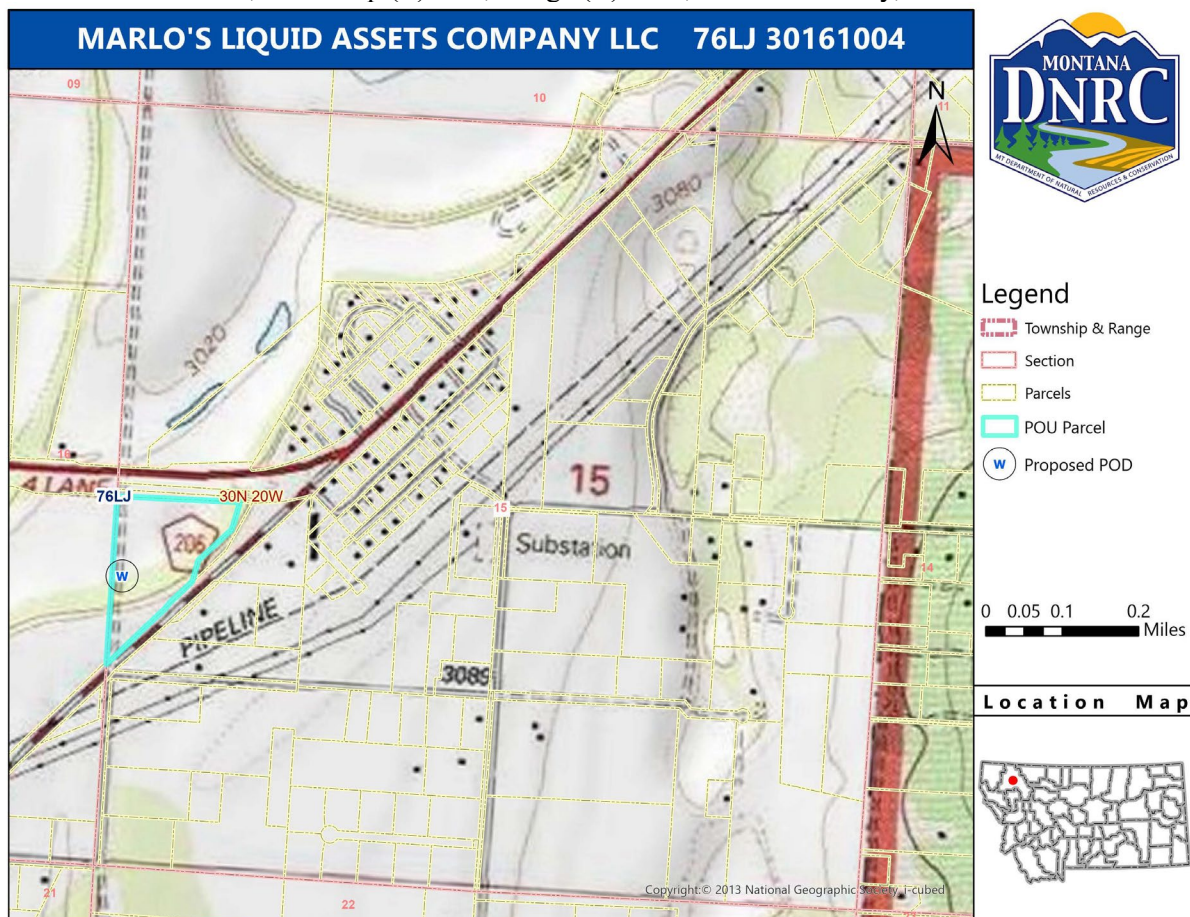


Figure 1. Map of the proposed place of use and point of diversion.

5. NARRATIVE SUMMARY OF THE PROPOSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:

The Applicant proposes to divert groundwater at 90 gallons per minute (GPM) and up to 15.15 acre-feet (AF) annually by means of a well (GWIC ID: 85474). The well is 215-feet deep with a perforated interval between 200 and 215-feet and a static water level of 40-feet below ground surface. The proposed project is to expand the existing “Big Sky Waterpark” commercial uses and supplement existing Groundwater Certificate (GWC) 76LJ 52748-00 utilizing the same point of diversion (POD). The existing GWC is for 90 GPM and up to 5.5 AF per year for commercial and lawn and garden uses. The proposed supplemental purposes are commercial at 13.00 AF for year-round use, 2.14-acres of lawn and garden irrigation at 2.15 AF from April 20 – October 10. The project is in the Flathead River (to and including Flathead Lake) Basin (76LJ) in an area that is not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall issue a water use permit if the Applicant proves the criteria in §85-2-311 MCA are met.

6. AGENCIES CONSULTED DURING PREPARATION OF THE ENVIRONMENTAL ASSESSMENT:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey
- Montana State Library: National Register of Historic Places

Part II. Environmental Review

1. ENVIRONMENTAL IMPACT CHECKLIST:

PHYSICAL ENVIRONMENT

1.1 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.

The Applicant proposes to divert groundwater from a well that is approximately 3,500-feet east of the Flathead River. The proposed appropriation will pump at 90 GPM to obtain an annual volume of 15.15 AF. DNRC Water Rights Bureau calculations of physically available water have shown that there is sufficient water available in the Deep Aquifer to supply this appropriation in consideration of existing water rights. Methods and calculations are available in the Technical Report document for this Beneficial Water Use Permit.

The Flathead River is hydraulically connected to the Deep Aquifer but is not identified by FWP as chronically or periodically dewatered.

Determination: No significant 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 Applicant proposes to divert and use groundwater. The reach of the Flathead River which may be depleted by groundwater pumping is listed as Not Assessed for all beneficial uses. Discharge generated from the commercial uses will be discharged to an on-site elevated sand mound drainfield. The lawn & garden irrigation is minimal at 2.14 acres irrigated; significant water quality impacts are not expected.

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.

Drawdown greater than or equal to one foot occurs within 1,500-ft of the well. There are seven wells with active water rights that are located within the one-foot drawdown contour. The maximum drawdown predicted is 0.9-feet. All seven wells are predicted to have water column remaining.

Determination: No significant impact.

1.2 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 means of diversion (well) has already been constructed and is in use. The existing system will be modified and pumped into a mechanical room to be dispersed. The existing 10,000-gallon storage tank will be replaced by a 12,000-gallon tank to allow for the increased volume. Since this is a groundwater appropriation, there will be no channel impacts, flow modifications, barriers, dams, or riparian impacts to the Flathead River or Flathead Lake.

Determination: No significant impact.

1.3 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, 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 Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of special concern” in Township 30N, Range 20W that could be impacted by the proposed project. Eighteen species of concern (**Table 1**) were identified within the township and range where the project is located. Of these species, Spalding’s Catchfly (*Silene spaldingii*) and the Grizzly Bear (*Ursus arctos*) are listed as threatened by the USFWS. Commercial and lawn and garden uses exist here currently and no significant impacts are expected as a result of this proposed project.

Table 1. Species of Concern in and around Section 15, Township 30N, Range 20W.

Common Name	Scientific Name	USFWS – Status of a taxon under the federal Endangered Species Act of 1973
Britton’s Dry Rock Moss	<i>Grimmia brittoniae</i>	
English Sundew	<i>Drosera anglica</i>	
Grizzly Bear	<i>Ursus arctos</i>	LT
Heim’s Henediella Moss	<i>Henediella heimii</i>	
Kalm’s Lobelia	<i>Lobelia kalmii</i>	
Latah Tule Pea	<i>Lathyrus bijugatus</i>	
Little Brown Myotis	<i>Myotis lucifugus</i>	
Lyall’s Polytrichum Moss	<i>Meiotrichum lyallii</i>	
Meadow Horsetail	<i>Equisetum pratense</i>	
Meesia Moss	<i>Meesia uliginosa</i>	
Pileated Woodpecker	<i>Dryocopus pileatus</i>	MBTA
Schreber’s Dicranella Moss	<i>Dicranella schreberiana</i>	
Short-beaked Aloe Moss	<i>Aloina brevirostris</i>	
Slender Cottongrass	<i>Eriophorum gracile</i>	
Spalding’s Catchfly	<i>Silene spaldingii</i>	LT
Sparrow’s-egg Lady’s-slipper	<i>Cypripedium passerinum</i>	
Townsend’s Big-eared Bat	<i>Corynorhinus townsendii</i>	
Veery	<i>Catharus fuscescens</i>	MBTA

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.

Determination: N/A, project does not involve wetlands.

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

Determination: N/A, project does not involve ponds.

- 1.4 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 soil(s) is heavy in salts that could cause saline seep.

There are two soil types present in the project area, *Mires gravelly loam, 0 to 3 percent slopes* and *Mires gravelly loam, 12 to 30 percent slopes* from Outwash parent material. It is not anticipated that the proposed project will have a negative impact on the soil quality, stability, or moisture content and minimal saline seep is expected.

Determination: No significant impact.

- 1.5 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.

It is not anticipated that issuance of a water use permit will significantly contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations. Since the project area is currently used for agriculture, native vegetation has already been removed from the area.

Determination: No significant impact.

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

There will be no impact on air quality associated with issuance of the proposed permit for beneficial use of groundwater.

Determination: No significant impact.

- 1.7 HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: N/A, project not located on State or Federal Lands.

- 1.8 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 significant impact.

HUMAN ENVIRONMENT

1.9 **LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

1.10 **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 well is drilled on private property. The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution or noise in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

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

No negative impact on human health is anticipated from this proposed use.

Determination: No significant impact.

1.12 **PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

No government regulatory impacts on private property rights.

Determination: No significant impact.

1.13 **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? The expansion of “Big Sky Waterpark” may create more employment opportunities for residents.
- (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:

None.

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:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the added volume of groundwater diversion at this location.

Part III. Conclusion

1. PREFERRED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in §85-2-311 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significance criteria evaluated in this EA, is an EIS required? ___Yes ___X_No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:

Name: Alexis Nevins

Title: Water Resource Specialist

Date: 21 March 2024