

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:

Robert and Donna Fink Living Trust
660 Sonstelie Rd
Kalispell, MT 59901

2. Type of action: Application for Beneficial Water Use Permit 76LJ 30117748

3. Water source name: Groundwater

4. Location affected by project: The place of use is Countryside Estates Subdivision in the E2NW of Section 5, Township 28N, Range 20W, Flathead County, Montana

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

The Applicant proposes to divert groundwater for multiple domestic and commercial purposes January 1st thru December 31st and lawn and garden irrigation April 15th thru October 15th at a rate of 540 GPM up to 38.03 AF from 24 wells (16 individual domestic wells, 4 shared domestic wells, and 4 commercial wells) in the E2NW of Section 5, Township 28N, Range 20W, Flathead County, Montana. This is a subdivision, a total of 24 residential and 4 commercial lots will be developed and 14 acres will be irrigated. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

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

- U.S. Fish and Wildlife Service and Montana Natural Heritage Program: Endangered, Threatened Species and Species of Special Concern, Wetland Mapper program
- Montana Department of Fish Wildlife & Parks (DFWP); Dewatered Stream Information
- Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information and PWS Drinking Water Watch databases
- U.S. Natural Resource Conservation Service (NRCS); web soil survey
- Montana Historical Society

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.

The applicant proposes to divert groundwater; depletions to Blaine Creek could occur. Blaine Creek is listed by DFWP as chronically or periodically dewatered. However, this Creek is dry or has standing pools of water 8-9 months of the year because of natural factors. The Creek is intermittent and composed of standing pools of water during the fall and winter months. The Creek flows seasonally in the spring due to snowmelt and high precipitation events. The proposed depletion of 12.5 GPM/month will not worsen the period of non-flow.

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.

According to the Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information Center in 2018 Blaine Creek was categorized as having insufficient data to assess any use. The Applicant is proposing to utilize groundwater and will reduce flow to Blaine Creek. The total maximum volume of water potentially depleted from the Creek is 12.5 GPM/month and is expected to have little or no effect on the water quality of this source.

Determination: No 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.

The proposed use will reduce discharge from the source aquifer to Blaine Creek in an amount equivalent to their consumptive use. 20.1 AF of 38.03 AF of water that is diverted is consumed. Surface water was found to be legally available. Groundwater flow paths immediately surrounding the wells will be altered due to the proposed project. No water right is predicted to experience drawdown greater than 1 foot. Groundwater and surface water quality will not be negatively impacted.

Determination: No impact.

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 Applicant proposes to divert 540 GPM up to 38.03 AF per year from a total of 24 wells located in the E2NW of Section 5, Township 28N, Range 20W, Flathead County. The two existing wells were drilled by O-Keefe Drilling Company, a licensed well driller in the State of Montana (Lic. No. WWD-718). The Lot 4A well is 205 feet deep with a 6-inch casing. The Lot 2A well is 137 feet deep with a 6-inch casing. The wells were completed in the confined gravel and sand aquifer system referred to by the Montana Bureau of Mines and Geology (MBMG) as the Deep Aquifer. The 22 remaining wells will be drilled and constructed to divert water from the Deep Aquifer and will be required to be constructed by a licensed water well contractor in accordance with Title 37, Chapter 43, MCA and Title 36, Chapter 21, ARM and the "Well Construction Specifications for Countryside Estates Subdivision" document dated May 21, 2018 written by Applied Water Consulting Project No. 931-17.

The requested flow rate of 540 GPM is the maximum pumping rate of all 24 wells operating at the same time [(35 GPM × 4 shared wells) + (20 GPM × 20 individual wells)]. Shared wells will be designed for a capacity of 35 GPM and will be equipped with a Goulds Model 35GS20 submersible pump and constant pressure controller allowing them to produce the desired flow rate. Individual wells will be designed for a capacity of 20 GPM and will be equipped with a Goulds Model 18GS10 submersible pump and constant pressure controller allowing them to produce the desired flow rate. All wells will have a pump and motor installed and a small pump house shall contain the well, controls, pressure tank, variable frequency drive, flow meter, and appurtenant piping and valves.

In order to meet adequacy of diversion criteria, the Applicant will be subject to the following conditions, limitations, or restrictions on its permit:

IMPORTANT INFORMATION

THE APPROPRIATOR SHALL RECORD IN THE COURTHOUSE A COPY OF THE WELL CONSTRUCTION STANDARDS PROVIDED IN THE WATER RIGHT APPLICATION MATERIALS FOR PROVISIONAL PERMIT 76LJ 30117748. THE DOCUMENT SHALL BE RECORDED FOR EACH LOT AS THEY ARE CREATED AND PRIOR TO THE SALE OR DRILLING OF WELLS ON ANY LOT. WELLS SHALL BE COMPLETED SO THAT THEY DIVERT WATER FROM THE DEEP ALLUVIAL AQUIFER OF THE FLATHEAD VALLEY. WELL LOGS SHALL BE SUBMITTED TO THE DEPARTMENT PRIOR TO USE OF WATER FROM THE WELL. FAILURE TO SUBMIT A WELL LOG UPON WELL COMPLETION MAY BE CAUSE FOR REVOCATION OF THIS PERMIT.

The proposed project shall not impact any channels, barriers, riparian areas and dams. Groundwater flow to surface waters will be modified; however, modeling done by Department hydrogeologists show that no significant negative impact will occur to existing water users and surface/groundwater resources.

Determination: No 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 Natural Heritage Program and DFWP websites were reviewed 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.

According to the Montana Natural Heritage Program in Township 28N, Range 20W there are six plant species of concern. Deer Indian Paintbrush (*Castilleja cervina*), Latah Tule Pea (*Lathyrus bijugatus*), Spalding Catchfly (*Silene spaldingii*), Sparrow’s-egg Lady’s slipper (*Cypripedium passerinum*), Slender Cottongrass (*Eriophorum gracile*), and Short-beaked Aloe moss (*Aloina brevirostris*). Agriculture or human development has occurred on or around this parcel of land for many years; any impacts to sensitive plant species has most likely already occurred.

The Bull Trout (*Salvelinus confluentus*) is listed as threatened by the USFS. The Westslope Cuthroat Trout (*Oncorhynchus clarkii lewisi*) and Bald Eagle (*Haliaeetus leucocephalus*) are listed as sensitive by the USFS. The Pygmy Whitefish (*Prosopium coulteri*), Hoary Bat (*Lasiurus cinereus*), Little Brown Myotis (*Myotis lucifugus*), Great Blue-Heron (*Ardea Herodias*), Hooked Snowfly (*Isocapnia crinite*) and Alberta Snowfly (*Isocapnia integra*) are rated as S2 or S3 the state of Montana. Meaning their populations are potentially at risk because of limited and or declining numbers. An adequate quantity of water will still exist in all sources of water to maintain existing populations of fish should they exist there currently. Agriculture or human development has occurred on or around this parcel of land for many years; any impacts to sensitive mammal species most likely has already occurred. No impact.

Determination: No 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 or critical riparian habitats

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

Determination: N/A, 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.*

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of very fine silt loam. The soil drainage class is well drained; the capacity of the most limiting layer of soil to transmit water is moderately high (0.57 – 1.98 in/hour). Soils within the place of use are not susceptible to saline seep. The stability of the soil profile and moisture content will not be significantly altered with the use of groundwater within the subdivision. No degradation of soil quality shall occur.

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 development of this subdivision will remove/disturb existing vegetation. Noxious weeds could be established or spread during construction. Grass yards are planned for each residence; eliminating any populations of noxious weeds that may have been established during construction. The Applicant will have to abide by County weed management policies.

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.*

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use 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 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 is not located on state or federal land.

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 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. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No impact.

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

There should be no significant negative impact on human health from this proposed use.

Determination: No impact.

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: 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: None identified.

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: No reasonable alternatives were identified in the EA.

PART III. Conclusion

1. Preferred Alternative: None identified.

2. Comments and Responses: None.

3. Finding:

Yes___ No_x__ 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: Melissa Brickl

Title: Hydrologist/Water Resource Specialist

Date: November 16, 2018