

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: Woods Bay Water & Sewer District  
PO Box 685  
Bigfork, MT 59911

2. Type of action: Application to Change an Water Right 76LJ 30116706

3. Water source name: Groundwater

4. Location affected by project:

- SE Section 18, Township 26N, Range 19W, Lake County
- NE Section 19, Township 26N, Range 19W, Lake County
- NW Section 19, Township 26N, Range 19W, Lake County
- N2SE Section 19, Township 26N, Range 19W, Lake County
- W2SWNW Section 20, Township 26N, Range 19W, Lake County
- NWNWSW Section 20, Township 26N, Range 19W, Lake County

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

The Applicant is proposing to change three water rights that historically serviced the Woods Bay Homesites and Sheaver's Creek water systems. When Woods Bay Water & Sewer District took over operation of the water systems, they were combined into one system. The proposed change is to change the place of use and the points of diversion (PODs) for the water rights so that each water right includes all PODs and the existing service area for the Woods Bay Water & Sewer District. The proposed points of diversion for all water rights will be:

- SWSENE Section 19, Township 26N, Range 19W, Lake County
- SESWNE Section 19, Township 26N, Range 19W, Lake County
- SWSENE Section 19, Township 26N, Range 19W, Lake County

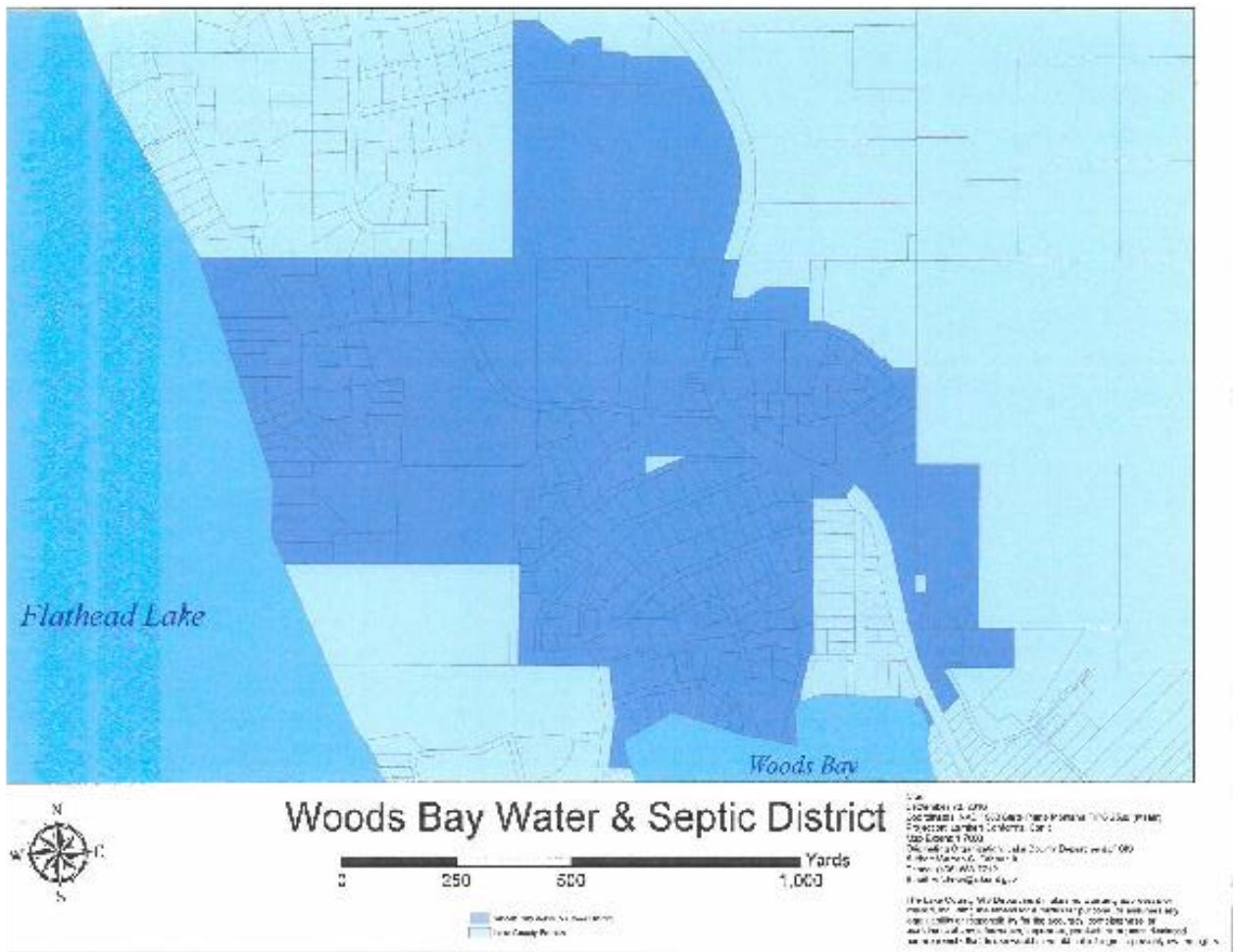
The proposed place of use for all water rights will include:

- SE Section 18, Township 26N, Range 19W, Lake County
- NE Section 19, Township 26N, Range 19W, Lake County
- NW Section 19, Township 26N, Range 19W, Lake County
- N2SE Section 19, Township 26N, Range 19W, Lake County
- W2SWNW Section 20, Township 26N, Range 19W, Lake County
- NWNWSW Section 20, Township 26N, Range 19W, Lake County

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
  - Montana Department of Fish, Wildlife, & Parks (DFWP)
  - Montana Department of Environmental Quality (DEQ)
  - Montana Natural Heritage Program
  - National Wetlands Inventory
  - USDA NRCS Web Soil Survey

**Map 1. Map showing existing boundaries of Woods Bay Water & Sewer District**



## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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## **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:* No significant impact

The source of supply is groundwater. The surface water source which may experience depletions due to groundwater pumping is Flathead Lake. Flathead Lake has been assessed for dewatering but has not been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks.

**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:* No significant impact

Flathead Lake is likely to experience depletions from groundwater pumping. It has been assessed and is identified as fully supporting drinking water, primary contact recreation, and agriculture, while not fully supporting aquatic life. It is not anticipated that pumping of the Applicant's groundwater well will have any negative impacts on the water quality of Flathead 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 proposed project will pump water from a sand and gravel aquifer. As the proposal is to change existing water rights, the Applicant will be limited to changing and using the historical amount of water used or previously authorized for use under the water rights proposed for change. There should not be any additional depletions to surface water associated with the proposed change. Any additional water needed for providing services above a diverted volume of 251.05 AF within the proposed POU will require the applicant to secure an additional permit or change authorization.

**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:* No significant impact

The means of diversion for the proposed project are three wells which have already been completed and are in use. There should be no channel impacts, flow modifications, barriers, riparian areas, dams, or additional well construction associated with the proposal.

## **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:* No significant impact

The Montana Natural Heritage Program identified a list of 22 animal species of concern within the township and range that the project is in. Of this list, the Grizzly Bear, Canada Lynx, and Bull Trout are listed as “threatened” by the US Fish & Wildlife Service. Nine plant species of concern were identified by the Montana Natural Heritage Program to potentially be in the project area, however none are listed as “threatened.” This project area has already been developed as a residential area. It is not anticipated that any of the species of concern will be impacted by the proposed project.

Townsend’s Big-eared Bat	Wolverine	Canada Lynx	Little Brown Myotis	Fisher
Grizzly Bear	Great Blue Heron	Brown Creeper	Black Tern	Evening Grosbeak
Pileated Woodpecker	Peregrine Falcon	Common Loon	Cassin’s Finch	Varied Thrush
Clark’s Nutcracker	Pacific Wren	Western Toad	Westslope Cutthroat Trout	Pygmy Whitefish
Bull Trout	Smoky Taildropper	Moonworts (SOC)	Beck Water-marigold	Pygmy Water-lily
Straightbeak Buttercup	Lake-bank Sedge	Many-headed Sedge	Giant Helleborine	Blunt-leaved Pondweed
Pod Grass				

***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:* No significant impact

The National Wetlands Inventory did not identify any wetlands within the proposed project area.

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

*Determination:* No significant impact

There were no natural ponds identified within the project area.

**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:* No significant impact

The project area has already been developed as a mostly residential area. The major soil types in the project area consist of gravelly loams. It is unlikely that this water project will have any impact on soils in the area.

**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:* No significant impact

Noxious weed prevention will be the responsibility of individual landowners. The Applicant will be providing water services to parcels within the proposed place of use.

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

*Determination:* No significant impact

There will be no impact to air quality associated with issuance of a water use permit.

**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.

**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 other potential impacts have been identified.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

*Determination:* No known environmental plans or goals will be impacted by this project.

**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:* No access or recreational activities will be significantly impacted by this project.

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

*Determination:* This proposed project will have no significant impact on 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:* No regulatory impacts are known.

**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? No significant impacts identified
- (b) Local and state tax base and tax revenues? No significant impacts identified
- (c) Existing land uses? No significant impacts identified
- (d) Quantity and distribution of employment? No significant impacts identified
- (e) Distribution and density of population and housing? No significant impacts identified
- (f) Demands for government services? No significant impacts identified
- (g) Industrial and commercial activity? No significant impacts identified
- (h) Utilities? No significant impacts identified
- (i) Transportation? No significant impacts identified
- (j) Safety? No significant impacts identified
- (k) Other appropriate social and economic circumstances? No significant impacts identified

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts 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 Applicant to combine what was historically two separate water systems into one water system.

### *PART III. Conclusion*

1. ***Preferred Alternative***  
Issue a water use permit if the Applicant proves the criteria in 85-2-402 MCA are met.
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:*

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

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

*Name:* Nathaniel T. Ward  
*Title:* Program Specialist-New Appropriations  
*Date:* October 1, 2018