

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. **Applicants/Contact names and addresses:**

MATTHEW P TAPSCOTT 2018 REVOCABLE TRUST
555 S SUNRISE WAY #200
PALM SPRINGS, CA 92264

2. **Type of action:** Surface Water Application for Beneficial Water Use Permit 76LJ 30148095

3. **Water source name:** Flathead River

4. **Location affected by project:** Government Lot 8, S2SWSE Section 18 and Government Lot 1, N2NWNE Section 19, Township 30N, Range 20W, Flathead County, Montana.

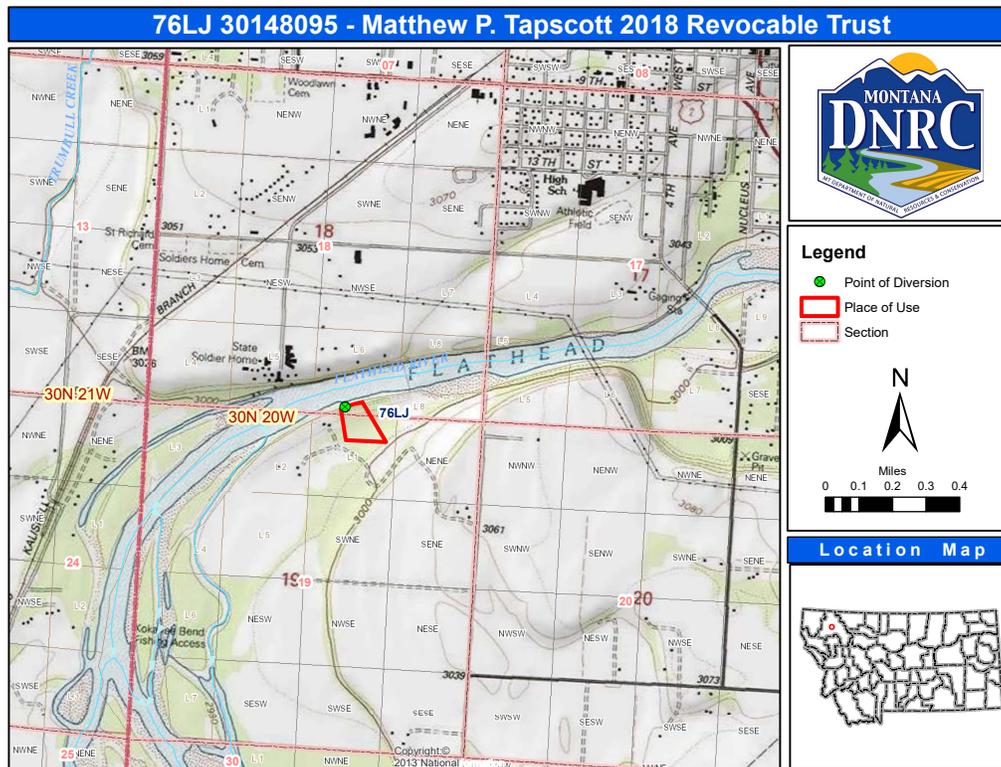


Figure 1. Map of the proposed place of use and point of diversion.

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

The Applicant proposes to divert water from the Flathead River by means of a pump, from April 20 – October 10 at a rate of 30.5 gallons per minute (GPM) up to 3.17 acre-foot (AF), from a point in Government Lot 8, SWSWSE Section 18, Township 30N, Range 20W, Flathead County, Montana. The proposed use is for irrigation of 1.5 acres of lawn and garden from April 20 – October 10. The place of use is in Government Lot 8, S2SWSE Section 18 and Government Lot 1, N2NWNE Section 19, Township 30N, Range 20W, Flathead County, Montana. The point of diversion is in the Upper Flathead River 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

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 plans to divert water from the Flathead River, which is not on the DFWP list of chronically or periodically dewatered streams.

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.

According to the MDEQ Clean Water Act Information Center's 2018 Water Quality Information, the Flathead River has not been assessed for Beneficial Use Support. Flathead Lake is listed as "Not Fully Supporting" for aquatic life due to Mercury (no TMDL completed), Total Nitrogen (TMDL completed), Total Phosphorus (TMDL completed), and Polychlorinated Biphenyls (no TMDL completed). The Flathead River's Water Quality Category is "3," meaning there is insufficient data to assess the use-support of any applicable beneficial use; no use-support determinations have been made. Flathead Lake's Water Quality Category is "5," meaning one or more applicable beneficial uses are impaired or threatened, and a TMDL is required to address the factors causing the impairment or threat.

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.*

Determination: N/A, this project diverts from a surface water source.

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 water from the Flathead River at a maximum rate of 30.5 GPM while maintaining a minimum operating pressure of 28 pounds per square inch (psi) via a Franklin Electric LSP-150-C (or equivalent) 1.5-hp pump. The pump will be seasonally installed approximately five feet from the edge of the Flathead River and will divert water via a 1.5-inch suction line extended into the river. Water will be delivered to 14 Rain Bird 25PJDA-C impact sprinklers distributed throughout four separate irrigated areas within two irrigation zones via a network of 1-, 1.25-, and 1.5-inch PVC irrigation lines. Water will be diverted as required to meet irrigation demand throughout the irrigation season.

This project will not create any channel impacts, flow modifications, barriers, dams, or riparian impacts to the Flathead River, nor will it affect any constructed wells.

Determination: No significant 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 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. 15 animal and 14 plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Grizzly Bear (*Ursus*

arctos), Canada Lynx (*Lynx canadensis*), the Bull Trout (*Salvelinus confluentus*), and Spalding's Catchfly (*Silene spaldingii*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain existing populations of Bull Trout, should they exist there currently. This area is already highly developed, and it is not anticipated that any species of concern will be further impacted by the proposed project.

Table 1. Animal Species of Concern				
Canada Lynx (<i>Lynx canadensis</i>)	Fisher (<i>Pekania pennanti</i>)	Great Blue Heron (<i>Ardea herodias</i>)	Peregrine Falcon (<i>Falco peregrinus</i>)	Bull Trout (<i>Salvelinus confluentus</i>)
Hoary Bat (<i>Lasiurus cinereus</i>)	Little Brown Myotis (<i>Myotis lucifugus</i>)	Grizzly Bear (<i>Ursus arctos</i>)	Western Toad (<i>Anaxyrus boreas</i>)	Pygmy Whitefish (<i>Prosopium coulteri</i>)
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	Wolverine (<i>Gulo gulo</i>)	Pygmy Shrew (<i>Sorex hoyi</i>)	Westslope Cutthroat Trout (<i>Oncorhynchus clarkii lewisi</i>)	Smoky Taildropper (<i>Prophysaon humile</i>)

Table 2. Plant Species of Concern				
Deer Indian Paintbrush (<i>Castilleja cervina</i>)	English Sundew (<i>Drosera anglica</i>)	Alkali-marsh Ragwort (<i>Senecio hydrophilus</i>)	Short-beaked Aloe Moss (<i>Aloina brevirostris</i>)	Black Golf Club Moss (<i>Catoscopium nigratum</i>)
Meadow Horsetail (<i>Equisetum pratense</i>)	Kalm's Lobelia (<i>Lobelia kalmii</i>)	Spalding's Catchfly/Spalding's Campion (<i>Silene spaldingii</i>)	Slender Cottongrass (<i>Eriophorum gracile</i>)	Britton's Dry Rock Moss (<i>Grimmia brittoniae</i>)
Whitebark Pine (<i>Pinus albicaulis</i>)	Latah Tule Pea (<i>Lathyrus bijugatus</i>)	Northern Buttercup (<i>Ranunculus pedatifidus</i>)	Sparrow's-egg Lady's-slipper (<i>Cypripedium passerinum</i>)	

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 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.*

It is not anticipated that the proposed irrigation of approximately 1.5 acres of lawn and garden will have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are Banks very fine sandy loam, 0 to 4 percent slopes, formed from sandy alluvium parent material. Banks very fine sandy loam has high to very high capacity to transmit water. This soil is classified as non-saline to slightly saline and is therefore not likely susceptible to saline seep.

Determination: No significant 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.*

Existing vegetation will be cleared to prepare the lot for construction of the future residence and landscaping. It is not anticipated that issuance of a water use permit will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners, who must follow local noxious weed regulations.

Determination: No significant impact.

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 to air quality associated with issuance of the proposed permit for beneficial use of surface water.

Determination: No significant 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 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.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

Determination: No significant 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 consistent with planned land uses.

Determination: No significant 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 significant impact.

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.

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.

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 diversion of water from the Flathead River.

Part III. Conclusion

1. Preferred Alternative

Issue a water use permit if the Applicants prove the criteria in 85-2-311 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: Travis Wilson

Title: Water Resource Specialist

Date: June 1, 2020