EA Form R 1/2007

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:**

Montana Yoga Adventure LLC
2510 Baker Station Rd
Goodlettsville, TN 37072-9562

**2. Type of action:** Permit Registration for Groundwater Use Within the National Park Service Compact Area No. 76LJ 30151628

**3. Water source name:** Groundwater

**4. Location affected by project:** E2SENE Section 21, Township 35N, Range 21W, Flathead County, Montana.

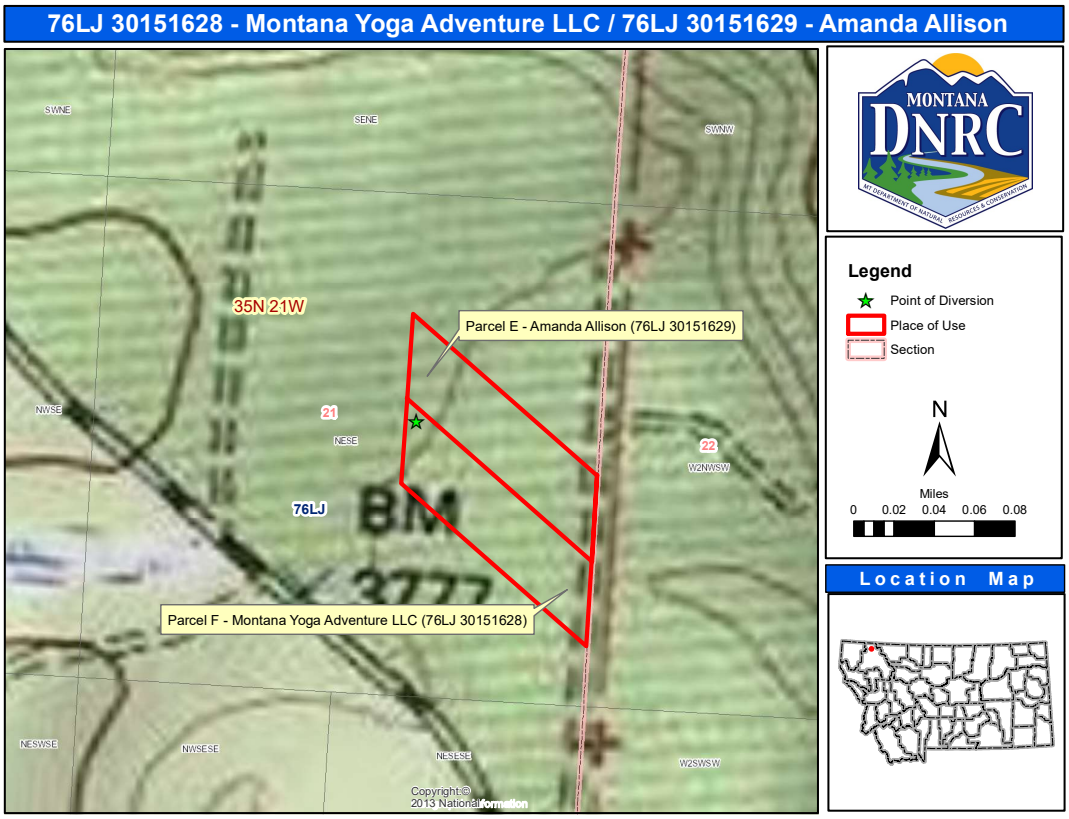


**Figure 1.** Map of the proposed place of use and point of diversion.

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

This application is to obtain a water use permit for a well located within the Glacier National Park Compact Area. The Applicant proposes to divert water at a rate of 30.0 gallons per minute (GPM) up to 0.13 acre-feet (AF) per year. The proposed appropriation is for multiple domestic use from January 1st – December 31st. The requested permit is associated with provisional permits 76LJ 102668-00 and 76LJ 30151629 (concurrently filed permit registration application) because they share the same point of diversion. This application is associated with the developments on Parcel F (see Figure 1 above), which consist of an existing single-family dwelling and two guest cabins. One cabin will have water service while the other will require the occupants to use water at the primary dwelling.

Provisional permit 76LJ 102668-00 provides the required volume for the single-family dwelling domestic use but only provides for a flow rate up to 22.0 GPM. This new water right will permit additional flow rate for the dwelling to account for the increased diversion rate of the well required to supply the new additional uses (new single-family dwelling and two guest cabins on Parcel E associated with 76LJ 30151629 and the two new guest cabins on Parcel F). Provisional permit 76LJ 102668-00 is for 1.63 AF for one domestic household and associated landscaping irrigation. Provisional permit application 76LJ 30151629 requests 1.13 AF. The total combined appropriation from this well is 2.89 AF at a flow rate up to 30.0 GPM.

The point of diversion and place of use is in the E2SENE Section 21, Township 35N, Range 21W, Flathead County, Montana. The point of diversion/place of use is in the Upper Flathead River Basin (76LJ).

The DNRC shall issue a water use permit if the Applicant proves the criteria in 85-20-401 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
- U.S. National Park Service (NPS) Water Rights Branch

## 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 from a well that is approximately 0.3 miles north of Spring Creek (tributary to the North Fork Flathead River), 0.75 miles west of Spruce Creek (tributary to the North Fork Flathead River), and 1.1 miles west of the North Fork Flathead River. The North Fork Flathead River is not identified by the DFWP as a chronically or periodically dewatered stream.

*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 North Fork Flathead River which may be depleted by groundwater pumping is listed as fully supporting for all beneficial uses for which it has been assessed. It is not anticipated that pumping of the Applicant's groundwater well will have any negative impacts on the water quality of the North Fork Flathead River.

*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.*

The Applicant will divert groundwater from the aquifer at a rate of 30.0 GPM. The well is 100 feet deep and approximately 0.3 miles north of Spring Creek, 0.75 miles west of Spruce Creek, and 1.1 miles west of the North Fork Flathead River. The NPS did not object to this application, therefore the flow rate will not be included in the calculation of total consumptive use for the North Fork Flathead River per the Glacier National Park Compact.

*Determination*: No significant 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 means of diversion (well) has already been constructed and the water put to prior beneficial use. Since this is a groundwater appropriation, there will be no channel impacts, flow modifications, barriers, dams, or riparian impacts to the North Fork Flathead River.

*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 35N, Range 21W that could be impacted by the proposed project. 18 animal and five (5) 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 Canada Lynx (*Lynx canadensis),* the Grizzly Bear (*Ursus arctos*), and the Bull Trout (*Salvelinus confluentus*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the adjacent surface water sources to maintain existing populations of Bull Trout, should they exist there currently. The well and primary dwelling have already been constructed; any impacts to sensitive species have most likely already occurred and further significant impacts are not anticipated.

| **Table 1.** Animal Species of Concern | | | | |
|---|---|---|---|---|
| Wolverine (*Gulo gulo*) | Canada Lynx (*Lynx canadensis*) | Fisher (*Pekania pennanti*) | Grizzly Bear (*Ursus arctos*) | Northern Goshawk (*Accipiter gentilis*) |
| Great Blue Heron (*Ardea herodias*) | Pileated Woodpecker (*Dryocopus pileatus*) | Common Loon (*Gavia immer*) | Harlequin Duck (*Histrionicus histrionicus*) | Lewis's Woodpecker (*Melanerpes lewis*) |
| Clark's Nutcracker (*Nucifraga columbiana*) | Black-backed Woodpecker (*Picoides arcticus*) | Horned Grebe (*Podiceps auritus*) | Brewer's Sparrow (*Spizella breweri*) | Northern Hawk Owl (*Surnia ulula*) |
| Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi*) | Bull Trout (*Salvelinus confluentus*) | Alberta Snowfly (*Isocapnia integra*) | | |

| **Table 2.** Plant Species of Concern | | | | |
|---|---|---|---|---|
| Moonworts (*Botrychium sp.*) | Whitebark Pine (*Pinus albicaulis*) | Arctic Sweet Coltsfoot (*Petasites frigidus var. frigidus*) | Nagoonberry (*Rubus arcticus*) | Gray Lungwort Lichen (*Lobaria hallii*) |

*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 multiple domestic use will have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are *Typic Eutroboralfs, silty till substratum, rolling,* formed from silty till parent material. *Typic Eutroboralfs, silty till substratum, rolling* soils have moderately low to moderately high capacity to transmit water. Soils within the place of use are 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.*

Some building construction and property development has already occurred on the property and thus some impact to existing vegetative cover has occurred. 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 landowner, who must follow all applicable 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 groundwater.

*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 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, 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 groundwater at this location. The well has already been drilled and the water put to prior beneficial use at this location.

## Part III. Conclusion

***1. Preferred Alternative***

Issue a water use permit if the Applicant proves the criteria in 85-20-401 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*: April 6, 2021