

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: Dean & Nancy Ziehl  
10100 Santa Monica Blvd., Ste 1300  
Los Angeles, CA 90067
2. Type of action: Application For Beneficial Water Use Permit No. 76K 30068084
3. Water source name: Swan River
4. Location affected by project: S2 SE NW Sec 33, T 27 N, R 19 W Flathead County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Dean & Nancy Ziehl submitted an Application For Beneficial Water Use Permit to DNRC requesting an appropriation of 470 gallons per minute (gpm) up to 444.48 AF of diverted volume from Swan River. Of the requested 444.48 AF, 5.12 AF will be consumed via lawn and garden irrigation and evaporation from a proposed man-made stream with two ponds, and 439.4 AF will return directly to the source. The water will be used for lawn and garden irrigation of 2.98 acres and recreation use, which consist of water features. The period of use for recreation is April 1 to October 31 and April 15 to October 15 for lawn and garden irrigation. 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)

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams

**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.*

Swan River is not listed on the 2005 Department of Fish, Wildlife and Parks Impaired Stream List. The appropriation of 470 gpm up to 444.48 acre-feet of water from the Swan River will not cause or worsen dewatering in the Swan River basin. Consumptive use of the proposed project is estimated to be 5.12 acre-feet per year.

*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.*

The Department of Environmental Quality has not assessed water quality in the Swan 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.*

*Determination:* N/A

**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 diversion consists of a portable pump placed on the stream bank on the applicant's property, with a four-inch diameter intake pipe extended out into the river channel underneath an existing dock. There will be no construction activities required to install the pump on the stream bank and no disturbance of riparian vegetation. The diversion rate of 470 gpm will not cause any channel impacts or flow modifications in the Swan River. The use of a pump will not create any barriers to fish migration. The project does not involve a dam or well.

*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 was contacted 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.

The Montana Natural Heritage Program identified the following animal species: Canada Lynx, Grizzly Bear, Wolverine, Fisher, Northern Goshawk, Bull Trout, Pygmy Whitefish, and Westslope Cutthroat Trout occurring within the vicinity of Township 27 North, Range 19 West, Flathead County. In addition, the following sensitive plant species were also identified; Wood Fern, Aster/sunflowers, Watershields and Orchids.

The location of the proposed appropriation is on the Swan River just upstream from the town of Big Fork, Montana. The place of use is an existing agricultural hay field and partially landscaped. Any impact to sensitive mammal species such as grizzly bear, wolverine, or ficher’s most likely has already occurred. Plant species will not be impaired as the place of use currently is a hay field and partially landscaped.

*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.*

The proposed project has two ponds within the artificial stream water feature. The ponds will be lined to prevent seepage losses and consist of an upper 0.154 AF capacity pond and a lower 0.179AF capacity pond.

*Determination:* No significant impact

**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.*

The use of water from the Swan River for recreation and lawn and garden irrigation will not cause degradation of soil quality or stability. The soils at the site are not susceptible to saline seep.

*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 project is located entirely on private property, and the applicants will be responsible for controlling noxious weeds.

*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. The water will be diverted using a portable electric powered pump. Small engines do emit exhaust; however, the level of emission would be similar to operating a lawn mower or chain saw. No other air pollutants were identified as resulting from the applicant's proposed use of the Swan River for lawn and garden irrigation and recreational purposes.

*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.*

NA: Project not located on State or Federal Lands.

*Determination:* No impact

**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 were 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 the 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.

*Determination:* No impact

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

*Determination:* The project does not pose a significant risk to the human health. 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:*** N/A
  
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:***

*PART III. Conclusion*

1. ***Preferred Alternative*** N/A

2. ***Comments and Responses***

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:* K Schubert

*Title:* Water Resource Specialist

*Date:* May 20, 2015