

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

**1. PETITIONER/CONTACT NAME AND ADDRESS:**

MEADOW LAKE COUNTY WATER AND SEWER DISTRICT  
PO BOX 2366  
COLUMBIA FALLS MT 59912-2366

**2. TYPE OF ACTION:**

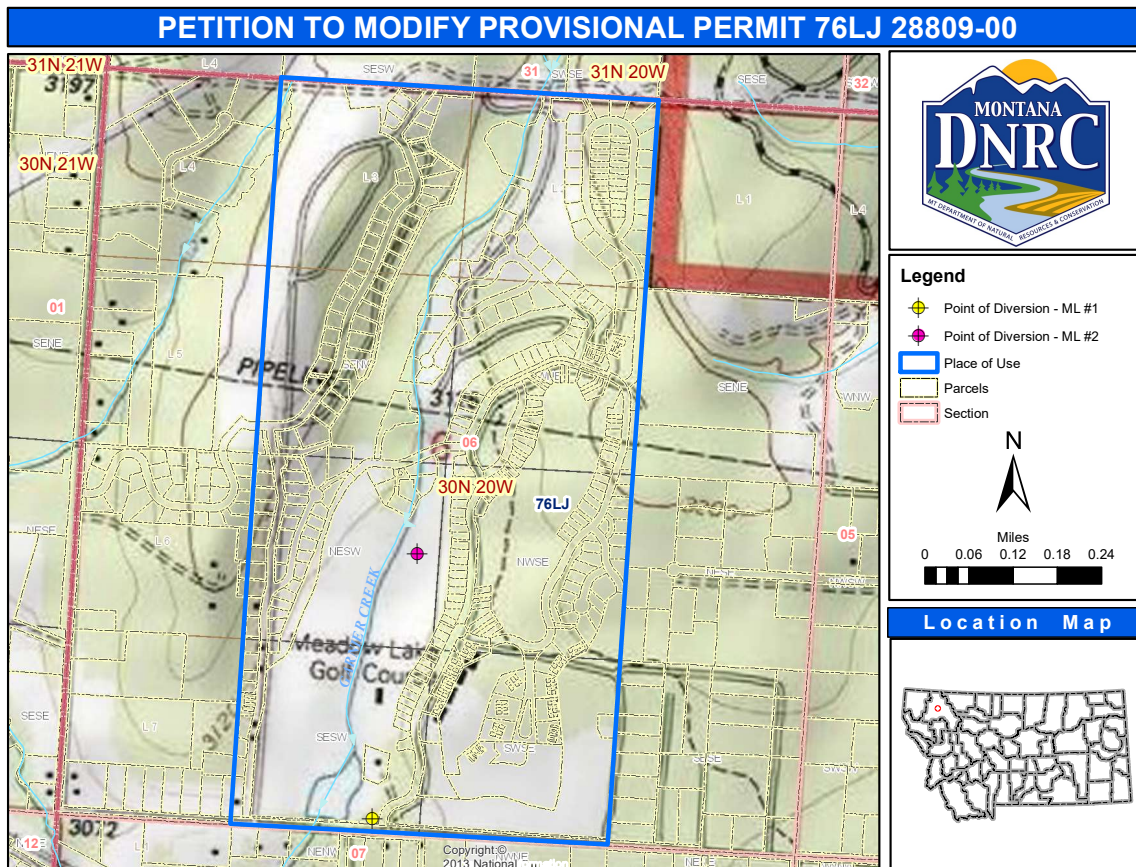
Petition to Modify Permit No. 76LJ 28809-00 (Version 3)

**3. WATER SOURCE NAME:**

Groundwater

**4. LOCATION AFFECTED BY PROJECT:**

E2W2 and W2E2 of Section 6, Township 30N, Range 20W, Flathead County, Montana.



**Figure 1. Map of the place of use and points of diversion for Provisional Permit 76LJ 28809-00**

**5. NARRATIVE SUMMARY OF THE PROPOSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:**

DNRC requires water right holders to file a Project Completion Notice upon completing a permitted project. DNRC granted the holder of Provisional Permit 76LJ 28809-00, Meadow Lake Development Corporation (the Petitioner's predecessor), several project completion extensions with the final extension expiring December 31, 1996. Although Meadow Lake Development Corporation regularly filed project status reports, no Project Completion Notice or extension request was filed prior to the December 31, 1996 deadline. The DNRC revoked Provisional Permit 76LJ 28809-00 on August 11, 1997 for failing to comply with the deadline.

On November 27, 2002, Meadow Lake Development Corporation submitted a request to reinstate Provisional Permit 76LJ 28809-00. The DNRC allows reinstatement of a water right that has been revoked; however, reinstatements are limited to the amount of development at the time the Project Completion Notice was originally due. Provisional Permit 76LJ 28809-00 was reinstated on July 31, 2003 and is restricted to the actual use of water occurring on or before December 31, 1996. Although the full 150.0 AF was reinstated by DNRC on July 31, 2003, the Applicant did not actually perfect that volume by December 31, 1996. Only the amount of water truly appropriated as of December 31, 1996 is currently authorized under Provisional Permit 76LJ 28809-00. Petition to Modify Permit 76LJ 28809-00 proposes to correct this provisional permit by reducing the authorized volume from 150.0 AF to its true completed volume of 33.99 AF.

The annual progress report submitted by Meadow Lake Development Corporation to the DNRC on November 30, 1996 indicates that the development consisted of 51 single family homes, 68 condominium units, 48 townhomes (167 total), a restaurant, golf shop, and recreation center with pool. An evaluation of the Petitioner's water use records associated with Provisional Permit 76LJ 28809-00 in 1994 and 1995 supports an extrapolated maximum diversion of 28.39 AF for the multiple domestic purpose (including lawn and garden), and 5.60 AF for the commercial purpose, for a total volume of 33.99 AF in 1996. The extrapolation was necessary because 1996 water use records could not be located.

The points of diversion are located in the SESESW (ML #1) and the NENESW (ML #2) of Section 6, Township 30N, Range 20W, Flathead County, Montana (Figure 1). The place of use is in the E2W2 and W2E2 of Section 6, Township 30N, Range 20W, Flathead County, Montana (Figure 1).

The points of diversion are in the Flathead River Basin (to and including Flathead Lake) (76LJ) in an area that is not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall modify the permit if the Applicant proves the criteria in 85-2-314 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**

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**1. ENVIRONMENTAL IMPACT CHECKLIST:**

*PHYSICAL ENVIRONMENT*

**1.1 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 source of supply is Groundwater. The points of diversion (wells) are completed in the Flathead Deep Aquifer. The Flathead River between Columbia Falls and Flathead Lake, and the lake itself, are identified in DNRC Technical Memorandum: Legal Availability of Groundwater in the Flathead Deep Aquifer (2019) as hydraulically

connected to the Deep Aquifer. The Flathead River (including Flathead Lake) is not on the MTDFWP 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.*

Flathead River: MDEQ Clean Water Act Information Center's 2020 Water Quality Information report lists the Flathead River as:

- i. Water Quality Category 3: Waters for which there is insufficient data to assess the use support of any applicable beneficial use, so no use support determinations have been made;
- ii. Use Class B-1: Waters classified as suitable for drinking, culinary, and food processing purposes after conventional treatment; bathing, swimming and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply.

Flathead Lake: MDEQ Clean Water Act Information Center's 2020 Water Quality Information report lists Flathead Lake as:

- i. Water Quality Category 5: Waters here one or more applicable beneficial uses have been assessed as being impaired or threatened, and a TMDL is required to address the factors causing the impairment or threat;
- ii. Use Class A-1: Waters classified as suitable for drinking, culinary and food processing purposes after conventional treatment for removal of naturally present impurities;
- iii. "Fully supporting" for: primary contact recreation, agriculture, and drinking water; and,
- iv. "Not fully supporting," for: aquatic life with probable causes for these designations being Mercury, Polychlorinated Biphenyls, Total Nitrogen, and Total Phosphorus.

The reduction of the provisional permit volume is not anticipated to affect water quality in the surface water sources hydraulically connected to the Deep Aquifer.

*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.*

This Petition to Modify Permit will reduce the permitted volume to the amount actually perfected as of the original project completion due date. No actual change in the volume diverted from the Deep Aquifer is occurring.

*Determination:* No significant impact.

**1.2 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 water system is a registered Montana Public Water Supply under the regulation of the MDEQ. As a registered PWS the system was designed by a licensed professional engineer and approved by the MDEQ PWS Section, as is required for public water supply systems in Montana.

The project shall not impact any channels, barriers, riparian areas, or dams.

*Determination:* No significant impact.

### 1.3 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, 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 the project area that could be impacted by the proposed project. Eight animal and 10 plant species of concern (Table 1) were identified within the project area. Of these species, the Grizzly Bear (*Ursus arctos*) and the Spalding's Catchfly (*Silene spaldingii*) are listed as threatened by the USFWS. This area is already developed, and it is not anticipated that any species of concern will be further impacted by the proposed project.

Table 1. Species of Concern		
Species Group	Common Name	Scientific Name
Mammals	Grizzly Bear	<i>Ursus arctos</i>
Mammals	Little Brown Myotis	<i>Myotis lucifugus</i>
Mammals	Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>
Birds	Evening Grosbeak	<i>Coccothraustes vespertinus</i>
Birds	Pileated Woodpecker	<i>Dryocopus pileatus</i>
Birds	Veery	<i>Catharus fuscescens</i>
Birds	Bobolink	<i>Dolichonyx oryzivorus</i>
Birds	Varied Thrush	<i>Ixoreus naevius</i>
Vascular Plants	Meadow Horsetail	<i>Equisetum pratense</i>
Vascular Plants	Latah Tule Pea	<i>Lathyrus bijugatus</i>
Vascular Plants	Kalm's Lobelia	<i>Lobelia kalmii</i>
Vascular Plants	Slender Cottongrass	<i>Eriophorum gracile</i>
Vascular Plants	Sparrow's-egg Lady's-slipper	<i>Cypripedium passerinum</i>
Vascular Plants	Northern Buttercup	<i>Ranunculus pedatifidus</i>
Vascular Plants	Spalding's Catchfly	<i>Silene spaldingii</i>
Bryophytes	Britton's Dry Rock Moss	<i>Grimmia brittoniae</i>
Bryophytes	Short-beaked Aloe Moss	<i>Aloina brevirostris</i>
Bryophytes	Meesia Moss	<i>Meesia uliginosa</i>

*Determination:* No significant impact.

Wetlands and Ponds - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted. For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* N/A, project does not involve wetlands or ponds.

### 1.4 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 proposed modification will not negatively impact the soil quality, stability, or moisture content. The soil types in the project area are:

- i. Typic Eutroboralfs, silty till substratum, hilly. Moderately low to moderately high capacity to transmit water.
- ii. Typic Eutroboralfs, silty till substratum, rolling. Moderately low to moderately high capacity to transmit water.

Soils in this area are not likely susceptible to saline seep.

*Determination:* No significant impact.

**1.5 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.*

This area is already highly developed (roads, dwellings, commercial uses including a golf course), and any existing native vegetation has likely already been disturbed. It is not anticipated that this modification 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.

**1.6 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 the requested modification.

*Determination:* No significant impact.

**1.7 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.

**1.8 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*

**1.9 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.

**1.10 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 modification 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 project area is not on land designated as wilderness.

*Determination:* No significant impact.

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

This proposed use will not adversely impact human health.

*Determination:* No significant impact.

**1.12 PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

No government regulatory impacts on private property rights.

*Determination:* No impact.

**1.13 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 modification of the provisional permit.

## Part III. Conclusion

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**1. PREFERRED ALTERNATIVE:**

Grant the petition to modify the permit if the Applicant satisfies the requirements in 85-2-314 MCA.

**2. COMMENTS AND RESPONSES:**

None.

**3. FINDING:**

*Based on the significance criteria evaluated in this EA, is an EIS required? \_\_\_Yes XNo*

*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.

**4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:**

*Name:* Travis Wilson

*Title:* Water Resource Specialist

*Date:* May 24, 2024