

ENVIRONMENTAL ASSESSMENT

For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. APPLICANT/CONTACT NAME AND ADDRESS:

JAMES R. DEATS / BEAR DEN RANCH, LLC
PO BOX 4744
WHITEFISH MT 59937-4744

2. TYPE OF ACTION:

Surface Water Application for Beneficial Water Use Permit No. 76LJ 30164488

3. WATER SOURCE NAME:

Skyles Lake

4. LOCATION AFFECTED BY PROJECT:

SENE and NENESE of Section 33, Township 31N, Range 22W, Flathead County, Montana.

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

The Applicant proposes to divert water from Skyles Lake by means of a pump at 200.0 GPM up to 3.37 AF/year for fishery use (a 0.33-acre pond) from January 1 – December 31, up to 32.36 AF/year for irrigation of 21.32 acres of Christmas trees from April 20 – October 10, and up to 8.84 AF/year for recreation use (snowmaking) from October 15 – March 15. The proposed total annual appropriation volume is 44.57 AF/year. The proposed POD is in the SWSNE of Section 33, Township 31N, Range 22W, Flathead County, Montana (Figure 1). The proposed places of use are as follows (Figure 1):

i. Fishery

a. SENE of Section 33, Township 31N, Range 22W, Flathead County

ii. Irrigation

a. SENE of Section 33, Township 31N, Range 22W, Flathead County (18.6 acres)

b. NENESE of Section 33, Township 31N, Range 22W, Flathead County (2.72 acres)

iii. Recreation

a. SENE of Section 33, Township 31N, Range 22W, Flathead County

The Applicant will pump water from Skyles Lake to fill their proposed fishery/storage pond. The proposed pond will function both as the place of use for the fishery purpose and as an operational storage buffer pond for the irrigation and recreation purposes.

The POD is in Water Right Basin 76LJ (Flathead River, to and including Flathead Lake) 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.

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 Deats, James / Bear Den Ranch LLC

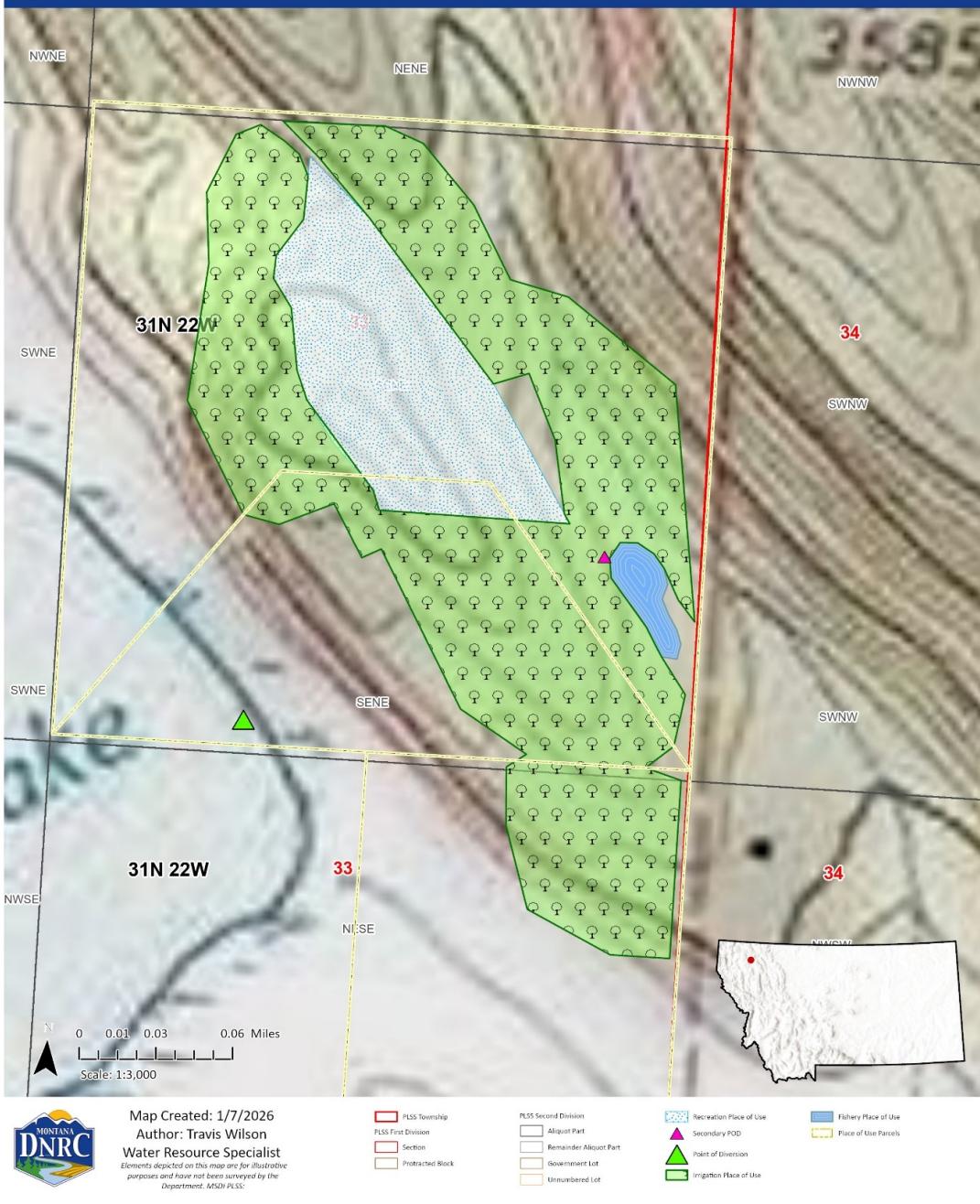


Figure 1. Map of the proposed place of use and point of diversion.

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

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.

Skyles Lake is not listed as chronically or periodically dewatered on the Montana DFWP list of dewatering concern areas.

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 MDEQ Clean Water Act Information Center's 2024 Water Quality Information database was consulted to assess the potential for the proposed project to affect Skyles Lake water quality. Skyles Lake water quality has not been assessed by MDEQ through the most recently published assessment cycle (2024). The diversion of water for recreation, irrigation, and fishery uses is not anticipated to significantly affect water quality in this source.

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, project does not involve groundwater.

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 Applicant proposes to divert water from Skyles Lake by means of a pump at 200.0 GPM up to 44.57 AF/year for irrigation use (32.36 AF/year), recreation use (8.84 AF/year), and fishery use (3.37 AF/year) using a 15-HP Grundfos CR 32-3 A-G-A-E-HQQE (or equivalent) centrifugal pump. Water will be conveyed from Skyles Lake to the proposed fishery/storage pond through approximately 1,300 feet of buried 6-inch PVC pressure pipeline with gasketed joints and isolation valves at each end. The Applicant sized the conveyance pipeline to deliver 200.0 GPM with minimal friction head losses and calculated a TDH of 151.8 feet for the portion of the diversion and conveyance system from Skyles Lake to the fishery/storage pond. The Applicant provided the pump performance curve which demonstrates that the pump is capable of producing the requested 200.0 GPM at the maximum TDH of 151.8 feet.

The fishery/storage pond will serve both as the place of use for the fishery purpose and as an operational storage buffer pond for the irrigation and recreation purposes. Using the fishery/storage pond as an operational storage buffer pond will help ensure a continuous and stable source of water during active irrigation and recreation use since the fishery/storage pond volume can be partially drawn down while also pumping from Skyles Lake to recharge the fishery/storage pond both during and between irrigation and recreation operating intervals. Water will be diverted from the fishery/storage pond at up to 400.0 GPM via a skid-mounted Monsoon Force Series pump, which is a self-contained, VFD-controlled pump station enclosed in a heated and ventilated aluminum housing that includes a 20- or 25-HP close-coupled centrifugal pump driven by a three-phase motor, suction and discharge isolation valves, check valve, and pressure transducer for automated pressure regulation. The VFD will automatically adjust motor speed to maintain constant discharge pressure to the irrigation main or snowmaking header.

During the irrigation season (April 10 – October 10), water will be pumped from the fishery/storage pond at up to 400.0 GPM for irrigation of 21.32 acres of Christmas trees. An automated irrigation system will regulate

sprinklers in six zones served by HYDRORAIN rotor-type (or similar) pop-up sprinkler heads, each with a capacity of 1.0 to 8.0 GPM. The sprinklers are grouped into selectable irrigation zones that can be operated sequentially. Multiple zones can be irrigated simultaneously to efficiently distribute water throughout the system. Each zone has been configured so the combined flow of operating sprinkler heads remains within the rated pump capacity. At peak operation, this configuration allows up to 50 sprinklers within the various zones to operate simultaneously at peak irrigation demand (8.0 GPM per head) while maintaining system pressure and efficiency. The farthest irrigation zone is designed to operate 50 sprinkler heads at 3.0 GPM each (150.0 GPM total). To maintain 50 PSI at the sprinkler heads, a pump discharge setpoint of 70-75 PSI is required. The Monsoon Force Series data shows that the 20-HP pump unit provides 72 PSI at 160.0 GPM, which would be adequate for irrigation of the farthest zone.

During the recreational snowmaking season (October 15 – March 15), water will be pumped from storage at up to 400.0 GPM for snowmaking gun operation when snowmaking conditions are ideal. Snowmaking guns will operate for four hours and then stand down for storage recovery.

Based on the system design and specifications, the Department finds that the diversion and conveyance system is adequate to supply the requested flow rate of 200.0 GPM up to an annual volume of 44.57 AF.

Determination: Minimal impact; additional permits (such as a 310 permit) may be required.

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. Eleven animal and two plant species of concern (Table 1) were identified in the general vicinity of the project area. Of these species, the Grizzly Bear is listed as threatened by the USFWS. It is not anticipated that any species of concern will be further impacted by the proposed project. This project will not create any barriers to the migration or movement of fish or wildlife.

Table 1. Species of Concern

Species Group	Common Name	Scientific Name
Mammals	Grizzly Bear*	<i>Ursus arctos</i>
Mammals	Silver-haired Bat	<i>Lasionycteris noctivagans</i>
Birds	Brown Creeper	<i>Certhia americana</i>
Birds	Cassin's Finch	<i>Haemorhous cassinii</i>
Birds	Common Loon	<i>Gavia immer</i>
Birds	Evening Grosbeak	<i>Coccothraustes vespertinus</i>
Birds	Lewis's Woodpecker	<i>Melanerpes lewis</i>
Birds	Pileated Woodpecker	<i>Dryocopus pileatus</i>
Birds	Varied Thrush	<i>Ixoreus naevius</i>
Reptiles	Northern Alligator Lizard	<i>Elgaria coerulea</i>
Fish	Westslope Cutthroat Trout	<i>Oncorhynchus lewisi</i>
Vascular Plants	Panic Grass	<i>Dichanthelium acuminatum</i>
Vascular Plants	Kalm's Lobelia	<i>Lobelia kalmii</i>

*Listed as "Threatened" by the USFWS.

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.*

The point of diversion is within a lake habitat directly adjacent to an area of freshwater emergent wetland. Additionally, the pond that will serve as a fishery and pumping storage for the recreational snowmaking and irrigation uses will be constructed in an area that is mapped as a 0.23-acre freshwater emergent wetland. The Applicant must obtain all required permits from all relevant agencies prior to disturbing any wetland areas required to complete their project.

A 0.33-acre fishpond will be constructed as a part of this project. There are no existing ponds within the proposed place of use.

Determination: Potential impact; additional permits are likely required and are the Applicant's responsibility to research and obtain.

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 recreation, irrigation, and fishery uses are not anticipated to negatively impact the soil quality, stability, or moisture content. The soil type in the project area is Mountainous land. This soil has a moderately high to high capacity to transmit water and is nonsaline to very slightly saline and thus 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.*

Existing vegetative cover may be minimally impacted through the establishment of the fishpond and Christmas tree irrigation. 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 local noxious weed regulations.

Determination: Minimal 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 issuance of the proposed permit for beneficial use of surface water.

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.

This 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 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.

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.

There are 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 diversion of surface water at this location.

Part III. Conclusion

1. PREFERRED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significance criteria evaluated in this EA, is an EIS required? Yes No

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: January 28, 2026