

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Lyle W. & Judy S. Phillips Trust, 2840 Rest Haven Drive, Whitefish, MT 59937
2. *Type of action:* Application for Beneficial Water Use Permit 30016887-76LJ
3. *Water source name:* Whitefish River (Whitefish Lake)
4. *Location affected by action:* SW NW NE Section 10, T 31N, R 22W, Flathead County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicants are seeking a water use permit to cover that portion of the year not already covered by their Statement of Claim 76LJ-W-005498. The original cabin on this lot was used seasonally. Therefore, the claim was filed for use from 4/15 through 11/19 annually. The applicant have since torn down the old cabin and replaced it with a year round home. This permit will provide water to the home during that period of time not already covered by the statement of claim.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction) MT DFW&P, the MT Natural Heritage Program, the MT Historic Preservation Office and the MT DEQ.

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.

Determination: The Whitefish River (Whitefish Lake) is not on DFWP's list of dewatered sources.

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.

Determination: This action took place at least 10 years ago.

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.

Determination: No impact. The system has been in since 1964 when the original cabin was built.

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."

Determination: No changes in the impacts since a structure has been on the property for over 40 years.

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: No impacts

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: N.A.

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.

Determination: No changes.

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.

Determination: No changes.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: No impacts.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: Any sites of interest have long since been torn down.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water, and energy not already addressed.

Determination: None identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: No changes since construction was completed in the 90's.

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.

Determination: No impacts.

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

Determination: No changes.

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:

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? No changes

(b) Local and state tax base and tax revenues? No changes

- (c) Existing land uses? No changes
- (d) Quantity and distribution of employment? No impacts
- (e) Distribution and density of population and housing? No changes since the new home was built.
- (f) Demands for government services? No changes
- (g) Industrial and commercial activity? No impacts
- (h) Utilities? No changes
- (i) Transportation? No changes
- (j) Safety? No changes
- (k) Other appropriate social and economic circumstances? None identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:*** Over time there are bound to be some secondary and cumulative impacts as a result of development such as this. Since this new home has been there for over 10 years, no changes will result from this application.
3. ***Describe any mitigation/stipulation measures:*** None since this action has already taken place.
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:*** Since this action has already taken place, this was the only alternative considered.

PART III. Conclusion

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

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Because this action has already taken place and no significant impacts were identified as a result of the action, the EA is the appropriate level of analysis for the action.

Name of person responsible for preparation of EA:

Name: Wes McAlpin

Title: Water Resources Specialist, Kalispell RO, DNRC

Date: April 10, 2006