

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: Thomas J. & Rita J. Hall, 1729 Foys Lake Road, Kalispell, MT 59901
2. Type of action: Application for Beneficial Water Use Permit 30025120-76LJ
3. Water source name: Foy Lake
4. Location affected by project: The NE of section 26, T 28N, 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 propose to pump water from Foy Lake at a rate of 12 gpm for lawn & garden irrigation on .25 total acres in lots 9 & 10. The water will be used from May 1st through October 31st with an annual volume used of .63 acre-feet.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction) Flathead County Zoning & Planning, MT DEQ, MT Natural Heritage Program, MT Historical Society and the MT Dept. FW&P.

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: Foy Lake is not listed by DFW&P as a problem source.

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 should not impact the quality of Foy Lake.

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: NA

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: The applicant will need to obtain a permit from Flathead County to install his .5 hp electric pump into the edge of Foy Lake. This action is consistent with many others on the source.

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 species of special concern will be adversely affected by this action.

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: NA

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

Determination: NA

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: The soil moisture content will be improved as a result of this action.

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: Sprinkler irrigation on these lots will help control the invasion of weeds.

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

Determination: NA

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 on the property would have been destroyed when the home was built.

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 were 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: Developments like this are standard in Flathead County.

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: NA

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

Determination: NA

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_XX__ 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? None

(b) Local and state tax base and tax revenues? Slight improvement in revenues.

- (c) Existing land uses? No changes.
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? No changes.
- (f) Demands for government services? Very slight changes.
- (g) Industrial and commercial activity? None
- (h) Utilities? Slight increase in demand for power.
- (i) Transportation? None
- (j) Safety? Slight due to the wiring and pump being in the lake.
- (k) Other appropriate social and economic circumstances? None found

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: Due to the size and scope of this action, no secondary impacts are anticipated.

Cumulative Impacts: Over time, actions of this nature are bound to cause cumulative impacts. However, no one knows when they will begin to appear.

3. *Describe any mitigation/stipulation measures:* None are justified at this time.

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 no action alternative would prevent the applicants from irrigating their lots from Foy Lake which could lower their property values. They could use water from the public drinking water system but that would cost much more money and might have adverse impacts to the groundwater aquifer.

PART III. Conclusion

1. *Preferred Alternative:* Allowing the applicants is the preferred alternative with the least amount of potential impacts.

2. *Comments and Responses:* None

3. *Finding:*

Yes___ No_XX__ 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: Since no significant or cumulative impacts were identified as a result of this action, the EA is the appropriate level of analysis for the action.

Name of person(s) responsible for preparation of EA:

Name: Wes McAlpin

Title: Water Resource Specialist, Kalispell RO, DNRC Water Resources

Date: January 25, 2007