

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: David W. & Catherine A. Swagar, 3200 – 114 Ave. S.E., Calgary Alberta, Canada T2Z 3V6
2. Type of action: Application for Beneficial Water Use Permit 76LJ 30026188
3. Water source name: Whitefish Lake
4. Location affected by project: SW¼ SE¼ NW¼, Section 26, Twp. 31N, Rge. 22W, FL
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 domestic/lawn & garden water use permit from Whitefish Lake to use water at a rate of 9-gpm up to 1.25 acre-feet per year. The applicant will benefit from the domestic use and irrigation out of Whitefish Lake by increased property value by developing a water right that becomes a property right. The scope of this EA is limited to identifying any possible impacts related to the application for beneficial water use permit.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Fish, Wildlife & Parks & Montana Natural Heritage Program

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: Whitefish Lake is not on the DFWP dewatered stream list. 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.

Determination: Whitefish Lake is not on the State of Montana 303(d) list. It has a surface area of 3,350 acres. It is fed by several streams but is primarily spring fed and discharges the Whitefish River. It is estimated the volume of the lake is 371,850 acre-feet. The appropriation is minor when compared to the volume of water available and therefore will not be impacted.

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: The use of water from Whitefish Lake will not impact groundwater.

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: A water supply pump, filtration system and pressure tank are located in the basement of the residence. The pump is a 1-horsepower Meyers Model HC100 jet pump, capable of producing 9 gpm at a system pressure of 40 to 60 psi.

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: The domestic/lawn and garden irrigation from Whitefish Lake is an imperceptible amount of water when looking at physical impact to the source. The Montana Natural Heritage Program was contacted to determine proximity of threatened or endangered species, if any. From the list provided by the Natural Heritage Program two species are relevant to the requested action. Westslope Cutthroat Trout identified as sensitive and Bull Trout identified as threatened traverse Whitefish Lake. The Montana Department of Fish, Wildlife & Parks has determined the low velocity water intake does not impact these species of concern.

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: There are no wetlands in the vicinity of the project.

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

Determination: Not applicable.

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: Saline seep is not an issue. There will be 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.

Determination: The planting and maintenance of turf is a deterrent to the establishment 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: 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.

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.

Determination: No impacts have been 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: The project is consistent with the land use of the area. Many private residential lots are developed around Whitefish Lake.

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: There is no impact. The private property aspect does not change.

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

Determination: There is 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: NA

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
- (b) Local and state tax base and tax revenues? NO
- (c) Existing land uses? NO
- (d) Quantity and distribution of employment? NO
- (e) Distribution and density of population and housing? NO
- (f) Demands for government services? NO
- (g) Industrial and commercial activity? NO
- (h) Utilities? NO
- (i) Transportation? NO
- (j) Safety? NO
- (k) Other appropriate social and economic circumstances? None

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

Secondary Impacts None

Cumulative Impacts None

3. Describe any mitigation/stipulation measures: None are needed.

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: A well may be an alternative however the cost of using Whitefish Lake is more reasonable for the applicant.

PART III. Conclusion

1. ***Preferred Alternative:*** The applicant has determined Whitefish Lake is his preferred method of appropriating water and no impacts have been identified.

2. ***Comments and Responses:*** None

3. ***Finding:***

Yes___ No___ *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: No significant impacts have been identified.

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

Name: Rich Russell

Title: Water Resources Specialist

Date: February 14, 2007