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:* Roxbury Overseas Limited
3542 E Lakeshore Dr
Whitefish, MT 59937

2. *Type of action:* Permit to Appropriate Water 76LJ 30047101

3. *Water source name:* Whitefish Lake

4. *Location affected by project:* NW$^1/_4$ SW$^1/_4$ NE$^1/_4$, Section 4, Township 31N, Range 22W, Flathead County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

This application is to obtain a water use permit for a point of diversion from Whitefish Lake by means of a 1hp electric pump, from January 1 through December 31 annually at a rate of 17 gallons per minute (gpm) up to 1.34 AF (AF), from a point in the NW1/4 SW1/4 NE1/4 of Section 4, Township 31 north, Range 22 west. The proposed appropriation includes the use of 0.34 AF for domestic purposes for one residence from January 1 through December 31, and 1.0 AF for irrigating 0.4 acres of lawn and garden from April 15 through October 15. The proposed place of use includes the use of an on-site septic system resulting in the return of all unconsumed water from the residence. In addition, water not lost to evapotranspiration from watering the lawn and garden will also return to the source, though this amount will be minimal.

6. *Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)*

Montana Natural Resource Program ..... Species of Concern
Montana DEQ..... MT Clean Water Act Information Center
Montana Historical Society ..... Cultural Records Search
US Fish and Wildlife Service ..... Wetlands Mapper
Natural Resource Conservation Service ..... Web Soil Survey

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: N/A.

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.*

Whitefish Lake is listed as a threatened water body for the uses of aquatic life and a cold water fishery. The use of 17 gpm up to 1.34 AF per year is not likely to increase the impairment of this source because the probable causes of impairment are mercury, polychlorinated biphenyls, and sedimentation/siltation.

Determination: No expected 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: This appropriation is for surface water and therefore does not apply.

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 diversion works will consist of a 1 HP Myers Predator Series 3ST102-20 P4 pump located inside a 6-inch perforated PVC barrel placed underneath an existing dock. A 1.25 inch transmission main connected to the pump will convey water 130 feet to the residence with an elevation gain of 38 feet, and a total dynamic head of 185.9 feet. Factory pump specifications indicate the pump is capable of diverting, and will not exceed the requested flow rate under existing conditions.

Determination: Installation of pump and distribution line will have slight impact on riparian area and shoreline habitat.

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."

The Montana Natural Heritage Program website was referenced to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern" in vicinity of Township 31N and Range 22W, that could be impacted by the proposed project. The US Fish and Wildlife Service identified the threatened Canada Lynx (*Lynx* canadensis), Grizzly Bear (*Ursus arctos*), and Bull Trout (*Salvelinus confluentus*). In addition the State of Montana, US Forest Service, and Bureau of Land Management identified the following species of special concern: Gray Wolf (*Canis lupus*); Wolverine (*Gulo gulo*); Fisher (*Martes pennanti*); Golden Eagle (*Aquila* Chrysaetos); Great Blue Heron (*Ardea herodias*); Pileated Woodpecker (*Dryocopus pileatus*); Common Loon (*Gavia immer*); Bald Eagle (*Haliaeetus leucocephalus*); Northern Alligator Lizard (*Elgaria coerulea*); Westslope Cutthroat Trout (*Onchorhynchus clarkia lewisi*); Sheathead Slug (*Zacoleus idahoensis*); Creeping Sedge (*Carex chordorrhiza*); Crested Shieldfern (*Dryopteris cristata*); Giant Helleborine (*Epipactis gigantean*); Slender Cottongrass (*Eriophorum gracile*); and Gray Lungwort Lichen (*Lobaria hallii*).

Determination: This proposed project will not change land use characteristics and therefore should not impact the above listed species with the exception of slight impact to the Bull Trout, and Westslope Cutthroat as a result of a reduced flow rate and volume of 17 gpm and 1.34 AF from the Whitefish River system. In conclusion, this proposed project it is not expected to adversely impact any of these species.

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: The proposed place of use is not within the boundaries of wetlands mapped by the national wetlands inventory program.

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 degradation of soils is expected.

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: There will be no change in land-use characteristics associated with this application so there will be no significant impact.

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: There will be no change in land-use characteristics associated with this application so there will be no significant 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: None

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 planned land use.

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 should be no significant impacts on recreational or wilderness activities from this proposed use.

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

Determination: 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: No impact.

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?* No

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

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 to this proposed project will result in the landowner not having access to water for domestic purposes.

PART III. Conclusion

1. Preferred Alternative: As proposed

2 Comments and Responses: None

3. ***Finding:***

*Yes___ No **X** 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: No significant impacts have been identified; therefore, no EIS is necessary.

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

Name: Tim Eichner
Title: Water Resources Specialist
Date: March 11, 2010