EA Form R 1/2001

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 W. GILES
LESLIE P. GILES
8708 LINDBERGH LAKE RD
CONDON, MT 58726

2. *Type of action*: APPLICATION FOR BENEFICIAL WATER USE PERMIT 76K-30024711

3. *Water source name*: LINDBERGH LAKE

4. *Location affected by project*: SWSESW SECTION 23, T 19 N, R 17 W, MISSOULA COUNTY.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits*: APPLICANT IS REQUESTING A WATER USE PERMIT TO USE SURFACE WATER FROM LINDBERGH LAKE USING A ½ HP ELECTRIC PUMP AND PIPELINE AT A RATE OF 14 GPM AND A VOLUME OF 1.5 ACRE-FEET PER YEAR. WATER IS TO BE USED FOR DOMESTIC AND LAWN AND GARDEN PURPOSES.

   THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET.

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

   STATE HISTORICAL PRESERVATION OFFICE - ***CULTURAL RESOURCES***
   MONTANA NATURAL HERITAGE PROGRAM - ***SPECIES OF CONCERN***
   MONTANA DEQ WEBSITE - ***IMPAIRED STREAM INFORMATION***
   MONTANA DFWP WEBSITE - ***2005 DEWATERED STREAM LIST***

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: NO SIGNIFICANT IMPACTS.

THE AFFECTED SOURCE IS NOT CONSIDERED DEWATERED BY DFWP. APPLICANT HAS PROVIDED DATA REGARDING THE ABUNDANCE OF WATER IN THIS 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: NO SIGNIFICANT IMPACTS.

THE AFFECTED SOURCE IS NOT LISTED AS IMPAIRED BY DEQ. THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO IMPAIR WATER QUALITY.

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: NOT APPLICABLE.

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 SIGNIFICANT IMPACTS.

THE DIVERSION WORKS CONSISTS OF A ½ HP ELECTRIC PUMP AND PIPELINE THAT SUPPLIES WATER TO THE RESIDENCE.

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 SIGNIFICANT IMPACTS.

THE REPORT PROVIDED BY THE MONTANA NATURAL HERITAGE PROGRAM FOR THE GENERAL AREA OF THE PROPOSED PROJECT INCLUDES 17 SPECIES OF CONCERN REPORTS AND TWO ECOLOGICAL SITE REPORTS.

ONE OF THE ECOLOGICAL REPORTS IS SPECIFIC TO LINDBERGH LAKE. THIS REPORT GENERALLY DESCRIBES THE AREA AROUND LINDBERGH LAKE. THE PROPOSED PROJECT IS NOT EXPECTED TO CHANGE THE DESCRIPTION.

THE COMMON LOON IS LISTED AS SENSITIVE BY THE USFS AND THE USBLM AND OCCURS ON LINDBERGH LAKE.

THE WESTSLOPE CUTTHROAT TROUT IS LISTED BY USFS AND USBLM AS SENSITIVE AND OCCURS IN LINDBERGH LAKE.

THE BROWN BEAR IS LISTED AS THREATENED BY USFS, AS LT BY USFWS AND AS SPECIAL STATUS BY USBLM AND OCCURS IN THE AFFECTED AREA.

THE BULL TROUT IS LISTED AS THREATENED BY USFS, AS LT BY USFWS AND AS SPECIAL STATUS BY USBLM AND OCCURS IN LINDBERGH LAKE AND THE SWAN RIVER.

THE CANADA LYNX IS LISTED AS THREATENED BY USFS, AS LT BY USFWS AND AS SPECIAL STATUS BY USBLM AND OCCURS IN THE AFFECTED AREA.

THE OLIVE SIDED FLY CATCHER IS A SPECIES OF CONCERN AND OCCURS IN THE VICINITY OF THE PROPOSED PROJECT.

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.

NO WETLAND RESOURCE WOULD BE AFFECTED.

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

Determination: NO IMPACTS.

THE PROPOSED PROJECT DOES NOT INCLUDE A POND.

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 SIGNIFICANT IMPACTS.

THE SOILS IN THE AFFECTED AREA ARE FORMED ON GLACIAL MORAINE AND TEND TO BE DEEP. THESE SOILS ARE NOT PRONE TO SALINITY.

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 SIGNIFICANT IMPACTS.

THIS IS AN EXISTING RESIDENCE LOCATED ON LINDBERGH LAKE. THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO RESULT IN ESTABLISHMENT OR SPREAD 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 IMPACTS.

NO IMPACTS TO AIR QUALITY ARE ANTICIPATED.

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 SIGNIFICANT IMPACTS.

ACCORDING TO SHPO, THERE HAVE BEEN NO PREVIOUSLY RECORDED SITES WITHIN THE AFFECTED AREA. SHPO RECOMMENDS THAT NO CULTURAL RESOURCE INVENTORY BE CONDUCTED DUE TO THE LOW LIKELIHOOD CULTURAL RESOURCES WOULD BE IMPACTED.

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 NOT ALREADY DISCUSSED.

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 IMPACTS.

THE PROPOSED PROJECT IS NOT INCONSISTENT WITH LOCALLY ADOPTED PLANS AND GOALS.

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.

THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO IMPACT ACCESS TO WILDERNESS AND RECREATIONAL ACTIVITIES.

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

Determination: NO IMPACTS.

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 IMPACTS.

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?	NONE
(c) Existing land uses?	NONE
(d) Quantity and distribution of employment?	NONE
(e) Distribution and density of population and housing?	NONE
(f) Demands for government services?	NONE
(g) Industrial and commercial activity?	NONE
(h) Utilities?	NONE
(i) Transportation?	NONE
(j) Safety?	NONE
(k) Other appropriate social and economic circumstances?	NONE

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:*** THERE ARE NO MITIGATION/STIPULATION MEASURES IDENTIFIED FOR THE PROPOSED ACTION.

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 IS THE ONLY ALTERNATIVE CONSIDERED FOR THE PROPOSED ACTION. UNDER THE NO ACTION ALTERNATIVE, THE APPLICANT WOULD BE UNABLE TO OBTAIN A WATER RIGHT TO USE WATER FOR DOMESTIC PURPOSES.

PART III. Conclusion

1. Preferred Alternative

2 Comments and Responses

3. ***Finding:***
Based on the significance criteria evaluated in this EA, is an EIS required?
*Yes___ No_**X**__*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

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

Name: PATRICK RYAN
Title: WATER RESOURCE SPECIALIST
Date: NOVEMBER 29, 2006