

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:** Lincoln County Port Authority, PO Box 1071, Libby MT 59923
2. **Type of action:** Application for Beneficial Water Use Permit 76D 30067193
3. **Water source name:** Libby Creek
4. **Location affected by project:** SE¹/₄NE¹/₄SE¹/₄ of Section 10 and the SW¹/₄NW¹/₄SW¹/₄ of Section 11 all in Township 30N, Range 31W, Lincoln County. Location of proposed pond is on the edge of the city of Libby at the old lumber mill site.
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 applicant proposes to divert water from Libby Creek, by means of a headgate, from January 1 through December 31 annually at 3.52 CFS up to 890.35 AF, from a point in the NW¹/₄SW¹/₄SW¹/₄ of Section 11, Township 30N, Range 31W, for fishery pond use from January 1 through December 31. The place of use is generally located in the SE¹/₄NE¹/₄SE¹/₄ of Section 10 and the SW¹/₄NW¹/₄SW¹/₄ of Section 11 all in Township 30N, Range 31W, Lincoln County. Location of proposed pond is on the edge of the city of Libby at the old lumber mill site. This public fishing pond will have a volume capacity of 4.57 AF.

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

Montana Natural Heritage Program
Natural Resources and Conservation Service soil maps
Montana Department of Environmental Quality
United States Fish and Wildlife Wetland Mapper
Department of Fish, Wildlife and Parks

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: Libby Creek has been identified by DFWP as a periodic dewatered stretch from the HWY 2 bridge to the mouth (14 miles). The proposed diversion is within this stretch of stream. Applicant is working with the local FWP on this public fishing pond.

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: In the Reporting Cycle 2014, sedimentation/siltation was listed as a cause of impairment affecting the aquatic life beneficial use. Agriculture, drinking water, and primary contact recreation beneficial uses were not assessed for the 2014 listing cycle. This diversion should have no 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: No impacts to 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: Water will be diverted from an open channel approximately 1,100 feet long from Libby Creek via a 12-inch smoothed wall PVC pipe. The proposed pipe will intercept water adjacent to the existing headgate structure for Statement of Claim 76D 5164. A new concrete head wall will be installed with a Fresno series 6600 slide gate covering the inlet pipe. The slide gate will manually be operated by a hand wheel at the top of the gate. Water not diverted through this new headgate or the existing headgate will continue to the main stem of Libby Creek through the overflow channel. No new impacts.

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 Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special

concern”, that could be impacted by the proposed project. They identified the following animal and plant species that are threatened, or have special status, that are located regionally: Townsend’s Big-eared Bat, Wolverine, Hoary Bat, Fisher, Fringed Myotis, Grizzly Bear, Great Blue Heron, Brown Creeper, Pileated Woodpecker, Cassin’s Finch, Clark’s Nutcracker, Flammulate Owl, Pacific Wren, Western Toad, Coeur d’Alene Salamander, Torrent Sculpin, Westslope Cutthroat Trout, Columbia River Redband Trout and Bull Trout. These species are found throughout this region and not necessarily at this particular spot. No immediate impact.

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 wetlands. No impacts

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

Determination: Applicant is working with local FWP in stocking this public pond for this man-made fishery.

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 majority of soils in the area of place of use are Andic Dystrochrepts, alluvial terraces with a moderately high to high water transmittal capacity. These soils are well drained with no indication of saline seep. 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: No impacts.

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 if it is on State or Federal Lands.*

Determination: NA – project not located on State or Federal Lands.

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 other impacts.

HUMAN ENVIRONMENT

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

Determination: Pond will be a public accessible one. Local FWP is working with the Applicant.

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: Fishery pond will be created.

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 **XX** 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? Will become publicly accessible
- (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? Greater traffic flow

(j) Safety? Water safety concerns

(k) Other appropriate social and economic circumstances? Public fishing pond

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: Proposal to move forward as presented

PART III. Conclusion

1. Preferred Alternative

2. Comments and Responses

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: Other ponds in the vicinity.

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

Name: Kathy Olsen

Title: Water Resource Specialist

Date: August 7, 2014