Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at: http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address*: Ronda Noland
155 Airport Rd.
Saint Ignatius, MT 59865

2. *Type of action*: Application to Change a Water Right, 76D-30017645

3. *Water source name*: Libby creek

4. *Location affected by action*: NE¼ SE¼ NE¼, Sec. 05, Twp. 28N, Rge. 30W, FL. CO.

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits*: The DNRC shall issue an Authorization to Change if an applicant proves the criteria in 85-2-402, MCA are met. The applicant is seeking Authorization to Change the point of diversion to a permanent location on Libby Creek and incorporate a head gate to allow for control of the diversion. Historically, water has been diverted by an open ditch with the point of diversion varying from year to year due to the unstable condition of Libby Creek. The applicant has entered into an agreement with Montana Department of Fish, Wildlife & Parks to improve the existing irrigation system on Libby Creek by installing a head gate and fish screen. Libby Creek provides important spawning and rearing habitat and serves as a migratory corridor for redband, westslope cutthroat, and bull trout. The installation of a functional fish screen near the point of diversion will prevent fish entrainment into the irrigation ditch. This improvement benefits the applicant by allowing for control over of the diversion that will prevent the waste of water.

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

Fish, Wildlife & 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: The source is identified as periodically dewatered from the US highway 2 bridge to the mouth. The uncontrolled ditch diversion is just above the bridge and may contribute to the dewatered condition. Installation of a controllable method of diversion will provide a means to prevent wasting water. The proposed change will benefit the stream and have a positive impact on the periodically dewatered condition of the stream.

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: Libby Creek from one-mile above Howard Creek to the US highway 2 bridge is listed on the Montana 303(d) list as having partial use support for aquatic life and cold-water fish. It does not support drinking but fully supports swimming, agriculture and industrial use. The segment of Libby Creek from the bridge on highway 2 to its confluence with the Kootenai River needs to be monitored and reassessed because of insufficient credible data previously used to evaluate the stream segment. The controllable means of diversion will not worsen 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: The unused portion of the water that flows through the irrigation ditch on the property returns to groundwater. The addition of a head gate to control flows into the ditch may affect the amount of surface water infiltration that goes into groundwater. No impact to groundwater from this reduced amount is anticipated.

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 head gate structure and fish screen will not impact the stream channel or modify stream flow. The installation of the proposed diversion works will have a positive impact to stream flows and its fishery.

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 underlying fundamental principle of this application is to improve stream conditions for Bull Trout, a threatened species protected under the endangered species act.

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 rock and sand type soil in the project area is not conducive to the needs of wetlands. The necessary Hydric Soils that are poorly drained and develop certain soil characteristics due to the presence of water and absence of oxygen are not in the impacted area.

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: Salted soils may occur under natural conditions, but it appears that many of our salinity problems in the western states arise largely from improper water application. The ability to control the amount of water diverted can be considered a positive 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: Vegetative cover will not be impacted by the change in point of diversion. Construction will occur in an area that is free of vegetation.

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: Any items of historical, archaeological or paleontological significance or human skeletal remains discovered will cause activities to cease immediately and a full investigation of the area will be made.

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 anticipated.

HUMAN ENVIRONMENT

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

Determination: This project is consistent with planned goals of the Endangered Species Act and will improve critical habitat.

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 will be no impact to the quality of recreation or wilderness activities nor will access be denied to any established recreation areas except by Forest Service road closures that occur throughout public domain in Flathead County denying access to anyone not having the ability to hike or ride a horse.

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

Determination: The project has no impact on human health.

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:*** No indirect adverse impacts are anticipated.

3. ***Describe any mitigation/stipulation measures:*** None. It would not be possible to use more water than has historically been diverted.

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:*** No action will result in a status-quo situation that is not desired. No improvement to critical habitat for Bull Trout is not a preferred option.

PART III. Conclusion

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, therefore no EIS is necessary.

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

Name: Rich Russell
Title: Water Resources Specialist
Date: February 11, 2006