Montana Fish, Wildlife & Parks

Region One
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501
FAX: 406-257-0349
Ref: JS044-11
September 12, 2011

Ladies and Gentlemen:

Montana Fish, Wildlife & Parks (FWP), Region One, has written a draft environmental assessment (EA) proposing to examine and make a decision on whether or not to grant approval for a Montana Stream Protection Act (SPA 124) permit application submitted by Flathead County for a bank stabilization project on Swift Creek, north of Whitefish in Flathead County, Montana.

A copy of the draft EA is enclosed for your review. The draft is out for a 2-week public review through 5:00 p.m., Monday, September 26, 2011. Please contact Fisheries Biologist Mark Deleray at (406) 751-4543 or e-mail to mdeleray@mt.gov with questions or comments.

Sincerely,

James R. Satterfield Jr., Ph.D.
Regional Supervisor

/ni
Enclosure

c: *Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, MT 59620-0801
*Environmental Quality Council, PO Box 20, Helena, 59620-1704
*Dept. of Environmental Quality, Planning, Prevention & Assist., PO Box 200901, Helena, 59620
*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901
*Montana Fish, Wildlife & Parks - Director's Office: Reg Peterson; Fisheries: Bruce Rich; Rebecca Cooper; & Legal Unit: Jessica Fitzpatrick
*DNRC, PO Box 201601, Helena, 59620-1601 (Patty Greene)
*DNRC, Bob Sandman, Kalispell
*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Bldg., Helena, 59620
*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800
*Adam McLane, Montana Environmental Information Center, PO Box 1184, Helena, 59624
George Ochenski, 4 Harrison Road, Helena, 59601
*Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923
*Montana State Parks Association, PO Box 699, Billings, 59103
*Joe Gutkoski, President, Montana River Action Network, 304 N 18th Ave., Bozeman, 59715
*Representatives Bill Beck, Keith Regier,Derek Skees, Jerry O'Neil, Steve Lavin & Randy Brodehl
*Senators Bruce Tutvedt, Ryan Zinke & Jon Sonju
*Flathead County Commissioners, 800 S Main Street, Kalispell, MT 59901
Interested Parties

*E-mailed

Draft
Environmental Assessment

Issuance of a 124 Permit to Flathead County for Installation of Rock Riprap on Swift Creek, Montana

September 12, 2011

Montana Fish, Wildlife & Parks

Draft Environmental Assessment

MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:
Issuance of a 124 permit to Flathead County for bank stabilization on Swift Creek.

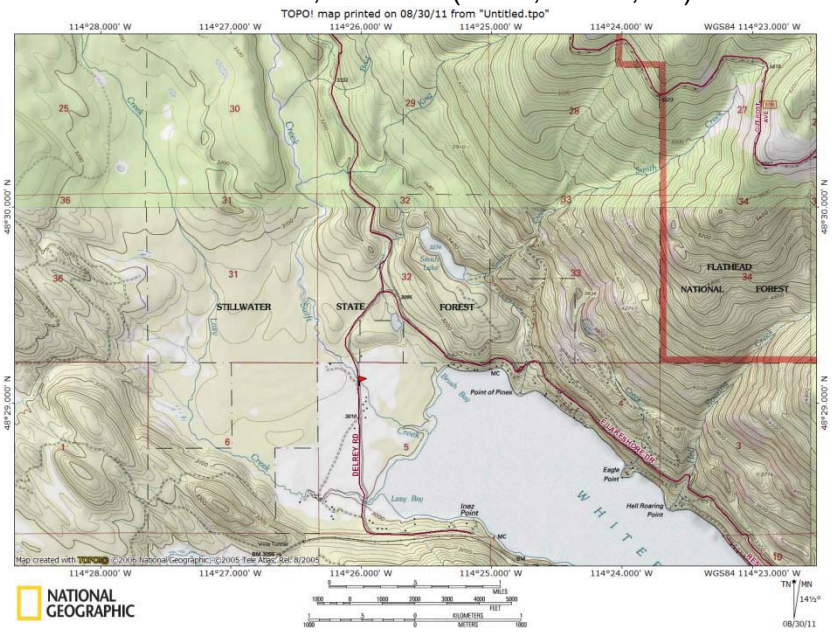
2. Agency authority for the proposed action:
Montana Fish, Wildlife & Parks

3. Name of project:
Permit #CO-124-10-11 R1 Swift Creek bank stabilization

4. Name, address, and phone number of project sponsor (if other than the agency):
Flathead County
800 South Main Street
Kalispell, MT 59901
406-758-5790

5. Anticipated schedule:
Estimated construction commencement date: 10/1/2011
Estimated completion date: 10/1/2012
Current status of project design (% complete): 100%

6. Location affected by proposed action (county, range and township): Swift Creek north of Whitefish, Montana (T31N, R22W, S5)



7. Project size:

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
(existing shop area)		Irrigated cropland	0
(b) Open Space/	0	Dry cropland	0
Woodlands/Recreation		Forestry	0
(c) Wetlands/Riparian	120 feet	Rangeland	0
Areas		Other	0

8. Listing of any other local, state or federal agency that has overlapping or additional jurisdiction:

(a) Permits (Permits will be filed at least 2 weeks prior to project start.):

Agency Name	Permits
US Corps of Engineers	404 Permit
Flathead County	Floodplain Permit
MT DEQ/ MFWP	318 Permit

(b) Funding:

Agency Name	Funding Amount
Flathead County	NA

(c) Other overlapping or additional jurisdictional responsibilities:

Agency Name	Type of Responsibility
NA	

9. Narrative summary of the proposed action or project, including the benefits and purpose of the proposed action:

Flathead County proposes to install rock riprap along eroding bank to prevent further erosion of the bank toward the county road. Bank has eroded approximately 10 feet along 120 feet of shoreline. Equipment will work from bank to place roughly 55 yards of 36”-to-48” and smaller rock riprap. The purpose of the project is to protect the road from future bank erosion. The project is located on private property adjacent to the county road right of way. The road cannot be moved due to the location of the bridge crossing just downstream of the proposed project. FWP proposes to issue a 124 permit to allow the project.

10. Description of alternatives:

Alternative A: No Action

Fish, Wildlife & Parks would not issue the county a permit to do the bank stabilization work. The bank would continue to erode, threatening the roadway and possibly making the road impassable in the future.

Alternative B: Proposed Action

Fish, Wildlife & Parks would issue the county a permit to do the bank stabilization work. The county would place the rock to prevent additional erosion, protect the existing roadway, and ensure the public's safety while traveling along this stretch of the county road.

PART II. PREDICTED ENVIRONMENTAL OUTCOMES

1. Evaluation of the impacts of the Proposed Alternative, including secondary and cumulative impacts on the physical and human environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering, or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		X	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:						

1d. Preventing erosion by stabilizing the bank at the proposed site may increase the erosive pressure on adjacent banks. This site was previously stabilized in 1998 and partially failed in 2010. The downstream banks have been previously stabilized with rock riprap. The bank immediately upstream of the proposed site was previously stabilized. The stream may react to the past and proposed stabilization projects leading to channel modifications upstream of the proposed site.

2. AIR Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		N/A				
f. Other:						

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?			X		X	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?			X		X	3e.
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		N/A				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		N/A				
n. Other:						

3a. Construction activities may cause turbidity and sedimentation. The amount of material introduced into the stream will be minimal and will be of short-term duration. Sedimentation will be minimized by completing the project under low stream flow conditions using clean rock.

3e. If the project is not completed there is a possibility that with future erosion the channel may change course and flow across the county road, not under the county bridge, and into the adjacent private property causing flooding.

4. VEGETATION Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands or prime and unique farmland?		N/A				
g. Other:						

5. FISH/WILDLIFE **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		N/A				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		N/A				
j. Other:						

5f. Bull trout and westslope cutthroat trout inhabit Swift Creek. This site is not bull trout or westslope cutthroat trout spawning habitat. Riprap construction will not reduce the amount of rearing habitat at this site. The project will not impact these species.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		X	6a.
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:						

6a. Construction equipment will create noise during the 2-day period. Noise level will be short-term and similar to noise levels of past projects.

7. LAND USE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use, the presence of which would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other:						

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		N/A				
e. Other:						

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X			9e.
f. Other:						

9e. During construction (1 to 2 days), through traffic may be delayed for short periods.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. An effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. An effect upon the local or state tax base and revenues?		X				
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. An increased use of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.		X				
g. Other:		X				

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		N/A				
e. Other:						

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)		N/A				
e. Other:						

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		N/A				
g. For P-R/D-J, list any federal or state permits required.						See page 2

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

Each permit required for this project has its own terms that Flathead County would need to adhere to.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed project does not have any negative impacts. The no-action alternative would result in negative impacts to the road and adjacent properties likely in the future when Swift Creek overruns its banks. If permitted, FWP would place conditions on the project to minimize introduction of sediment to the surface waters to ensure there are no negative impacts to the existing fisheries.

PART IV. PUBLIC PARTICIPATION

1. Public involvement for this project:

Adjacent private landowners will be given notice of the proposed project. The draft EA will be advertised in local newspapers, and there will be a 2-week public comment period. This level of public notice and participation is appropriate for a project of this scope, having no impacts.

2. Duration of comment period.

A 2-week period is provided.

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)? NO

If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action:

The proposal is a common technique to prevent bank erosion along roadways. The project is limited to a very specific location along Swift Creek with very minimal impacts to physical and human resources.

2. Person responsible for preparing the EA:

Mark Deleray
MFWP Fisheries Biologist
490 N. Meridian Rd.
Kalispell, MT 59901
(406) 751-4543

3. List of agencies consulted during preparation of the EA: None