

DEPARTMENT OF NATURAL  
RESOURCES AND **RECEIVED**

MAY 04 2004

DIRECTOR'S OFFICE (406) 444-2074  
TELEFAX NUMBER (406) 444-2684



JUDY MARTZ  
GOVERNOR

STATE OF MONTANA LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

WATER RESOURCES DIVISION (406) 444-6601  
TELEFAX NUMBERS (406) 444-0533 / (406) 444-5918  
<http://www.dnrc.state.mt.us/wrd/home.htm>

1424 9TH AVENUE  
PO BOX 201601  
HELENA, MONTANA 59620-1601

COVER LETTER

April 30, 2004

TO: Governor's Office, Barbara Ranf, Rm. 204, State Capitol, P.O. Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, Capitol Building, Room 106, P.O. Box 201704, Helena, MT 59620  
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901  
Director's Office  
Dept. of Natural Resources and Conservation, US F&G Bldg. 1625 11<sup>th</sup> Ave. Helena, MT 59620  
Director's Office  
Information Services Section  
Water Resources Division, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620-1601  
Bill Schultz, Water Resources Div. Missoula Regional Office, Town & Country Shopping Center,  
1610 S. Third St. W. Ste. 103, P.O. Box 5004, Missoula, MT 59806-5004  
Montana Fish, Wildlife & Parks, 1420 E. 6<sup>th</sup> Ave. Helena, MT 59620  
Director's Office  
Parks Division  
Regional Supervisor, MT Fish, Wildlife & Parks, Region 2, 3201 Spurgin Rd. Missoula, MT 59804  
MT Historical Society, State Historic Preservation Office, P.O. Box 201202 Helena, MT 59620-1202  
MT State Parks Association, P.O. Box 699, Billings, MT 59103  
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620  
Montana Environmental Information Center, POB 1184, Helena, MT 59624  
Montana Audubon Council, P.O. Box 595, Helena, MT 59624  
Ravalli County Commissioners, 205 Bedford St., Box 5001, Hamilton, MT 59840-2853  
Mr. J.R. Iman, President, Painted Rocks Water Users Association, 774 Hwy. 93N, Hamilton, MT 59804  
Wildlife Federation, P.O. Box 1175, Helena, MT 59624  
Trout Unlimited, P.O. Box 7186, Missoula, MT 59807  
U.S. Fish and Wildlife Service, MT Field Office, 100 N. Park Ave. Helena, MT 59601  
U.S. Army Corps of Engineers, Helena Regulatory Office 10 W. 15<sup>th</sup> St., Suite 2200, Helena, MT 59626  
District Ranger, U.S. Forest Service, Darby Ranger District, 712 Hwy 93 N, P.O. Box 388, Darby, MT 59828

Ladies and Gentlemen:

The enclosed Environmental Assessment (EA) has been prepared for the construction of 365 feet of chain link fence at Painted Rocks Dam in Ravalli County, Montana and is submitted for your consideration. Please feel free to contact me at (406) 444-6622 should you have any questions or comments about the project. Comments can also be mailed to the Montana Department of Natural Resources and Conservation, State Water Projects Bureau, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620-1601, attention James P. Domino or e-mailed to [jdomino@state.mt.us](mailto:jdomino@state.mt.us). Comments will be accepted until 5:00 p.m., May 14, 2004. Copies of the EA are also available upon request. The EA can also be viewed on the DNRC website at [www.dnrc.state.mt.us](http://www.dnrc.state.mt.us) in the environmental documents section. Thank you for your interest.

Sincerely,

Handwritten signature of James P. Domino in cursive.

James P. Domino  
Environmental Specialist  
State Water Projects Bureau

STATE WATER PROJECTS  
BUREAU  
(406) 444-6646

WATER MANAGEMENT  
BUREAU  
(406) 444-6637

WATER OPERATIONS  
BUREAU  
(406) 444-0860

WATER RIGHTS  
BUREAU  
(406) 444-6610

# DRAFT ENVIRONMENTAL ASSESSMENT

## Part I. Proposed Action Description

1. **Type of Proposed State Action** Construction of approximately 365 feet of chain link fence at Painted Rocks Dam.

2. **Agency Authority for the Proposed Action**

Owner: MT Dept. of Natural Resources and Conservation; Sec. 85 -15, MCA .

3. **Name of Project** Painted Rocks Dam Fence Project.

4. **Name, Address and Phone Number of Project Sponsor (if other than the agency)**

MT. Dept. of Natural Resources & Conservation, 1424 9th Ave., P.O. Box 201601,  
Helena, MT 59620 – 1601 (406) 444-6646

5. **If Applicable:** Estimated Construction/Commencement Date 5/21/04  
Estimated Completion Date 6/30/04  
Current Status of Project Design (% complete) 100%

6. **Location Affected by Proposed Action (county, range and township)**

Ravalli County - T1S, R22W, South 1/2 section 26

7. **Project Size: Estimate the number of acres that would be directly affected that are currently:**

(a)	Developed:	(c)	Floodplain..... <u>acres</u>
	Residential..... <u>acres</u>		
	Industrial ..... <u>acres</u>	(d)	Productive:
	Open Space/		Irrigated cropland..... <u>acres</u>
	Woodlands /		Dry cropland ..... <u>acres</u>
	Recreation..... <u>acres</u>		Forestry..... <u>acres</u>
(b)	Wetlands/Riparian		Rangeland ..... <u>acres</u>
	Areas ..... <u>acres</u>	(e) X	Other:.. <u>Less than 1 acre of the</u>
			<u>area immediately adjacent to the</u>
			<u>Dam spillway.</u>

8. **Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.**

Vicinity map and construction sketch attached.

**9. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.**

The proposed project calls for the construction of approximately 365 feet of 5-foot high chain link fence around the perimeter of the spillway at Painted Rocks Dam. The fence is being proposed as a public safety measure to help prevent people from getting injured around the spillway. The construction would involve the placement of 7-foot long steel posts every 10 feet. The posts would be set in concrete. One-foot diameter by two-foot deep holes would be dug with a power auger to place the posts. The fence location is in areas previously disturbed from past repairs and construction.

The benefits and purpose of this fencing project is to enhance public safety around the spillway structure. The absence of a fence greatly increases the potential for a serious injury from a fall.

The Montana State Historic Preservation Office and the Montana Natural Heritage Program were contacted as part of this assessment.

**10. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
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N/A

**10. (Continued)**

(b) Funding:

Agency Name                      Funding Amount

The Montana DNRC, State Water Projects Bureau is paying 100% of the cost, estimated at \$5,220.00.

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name                      Type of Responsibility

N/A

**11. List of Agencies Contacted:**

MT State Historic Preservation Office

MT Natural Heritage Program

## Part II. Environmental Checklist Review

### 1. PHYSICAL ENVIRONMENT

#### IMPACTS

Unknown *	No significant impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<b>1. <u>LAND RESOURCES</u></b>					
Will the proposed action result in:					
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				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?	X				
f. Other: _____					

**PHYSICAL ENVIRONMENT**  
(Continued)

**IMPACTS**

Unknown*	No significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<b>2. AIR</b>					
Will the proposed action result in:					
a. Emission of air pollutants or deterioration of ambient air quality?		X			2a
b. Creation of objectionable odors?		X			2b
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. Other: _____					

2 a. & b.) Emissions from the operation of the power auger would contain some pollutants and odors. The impact will be minor and temporary and end upon completion of the project.

**PHYSICAL ENVIRONMENT**

**IMPACTS**

Unknown*	No Significant Impact	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<b>3. WATER</b>					
Will the proposed action result in:					
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?	X				
b. Changes in drainage patterns or the rate and amount of surface runoff?	X				
c. Alteration of the course or magnitude of flood water 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				
f. Changes in the quality of groundwater?	X				
g. Changes in the quantity of groundwater?	X				
h. Increase in the risk of contamination of surface or groundwater?	X				
i. Violation of the Montana Non-Degradation Statute?	X				
j. Effects on any existing water right or reservation?	X				
k. Effects on other water users as a result of any alteration in surface or groundwater quality?	X				
l. Effects on other users as a result of any alteration in surface or groundwater quantity?	X				
m. Other: _____					

IMPACTS

**PHYSICAL ENVIRONMENT**  
(Continued)

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be mitigated*	Comment Index
<b>4. <u>VEGETATION</u></b>					
Will the proposed action result in:					
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?	X				4a
b. Alteration of a plant community?	X				
c. Adverse effects on any unique, rare, threatened, or endangered plant species?	X				4c
d. Reduction in acreage or productivity of any agricultural land?	X				
e. Establishment or spread of noxious weeds?	X				
f. Other: _____					

4a.) No significant impacts to vegetation are anticipated as only minimal ground disturbance will take place. The ground disturbance will involve the drilling of 1-foot wide by 2-foot deep holes every 10 feet for the placement of the steel fence posts. Approximately 36 posts would be placed.

4c.) A file search conducted by the Montana Natural Heritage Program indicated no threatened or endangered plant species exist within the project area. Nine USFS/BLM plant species classified as sensitive are known to exist in the vicinity of Painted Rocks Reservoir, however the proposed project area is outside of the identified locations of these species. No significant impacts are anticipated to these sensitive plants or any other plant species of special concern as a result of the proposed action.

**PHYSICAL ENVIRONMENT**  
(Continued )

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<b>5. FISH/WILDLIFE</b>					
Will the proposed action result in:					
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				5g
h. Other: _____					

5f.) A file search conducted by the Montana Natural Heritage Program indicated that bull and westslope cutthroat trout are widely distributed throughout the region and could be found in streams around Painted Rocks Reservoir. The area is also identified as Lynx habitat under a statewide listing for this species. It is not anticipated that the proposed action will have any significant impacts to these species, as no ground disturbance will occur in close proximity to any water sources and due to the temporary nature of the project. The area has also been previously disturbed from past maintenance and repair activities. No significant impacts are anticipated to any other threatened, endangered or species of special concern.

5g.) No significant impacts are anticipated to wildlife populations in the area due to the short-term and temporary nature of the project.

**2. HUMAN ENVIRONMENT**

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<b>6. NOISE/ELECTRICAL EFFECTS</b>					
Will the proposed action result in:					
a. Increases in existing noise levels?		X			6a
b. Exposure of people to severe or nuisance noise levels?		X			6b
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: _____					

6 a & b.) Noise levels will increase temporarily during the project. The increased noise will be temporary and end upon project completion. It is not anticipated that any recreational visitors to the area will be impacted.

**HUMAN ENVIRONMENT**  
(Continued)

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<b>7. LAND USE</b>					
Will the proposed action result in:					
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 whose presence would constrain or potentially prohibit the proposed action?	X				
d. Adverse effects on or relocation of residences?	X				
e. Increased regulatory restrictions on private property rights?	X				
f. Other: _____					



**HUMAN ENVIRONMENT**  
(Continued)

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<p>9. <u>COMMUNITY IMPACTS</u></p>					
<p>Will the proposed action result in:</p>					
<p>a. Alteration of the location, distribution, density, or growth rate of the human population of an area?</p>	X				
<p>b. Alteration of the social structure of a community?</p>	X				
<p>c. Alteration of the level or distribution of employment or community or personal income?</p>	X				
<p>d. Changes in industrial or commercial activity?</p>	X				
<p>e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?</p>	X				
<p>f. Other: _____</p>					

**HUMAN ENVIRONMENT**  
(Continued)

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<p>10. <u>PUBLIC SERVICES/ TAXES/UTILITIES</u></p>					
<p>Will the proposed action:</p>					
<p>a. Have 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: <u>parks/recreational facilities</u></p>	X				
<p>b. Have an effect upon the local or state tax base and revenues?</p>	X				
<p>c. Result in 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?</p>	X				
<p>d. Result in increased use of any energy source?</p>	X				
<p>e. Other: _____</p>					

**HUMAN ENVIRONMENT**  
(Continued)

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<p>11. <u>AESTHETICS/RECREATION</u></p> <p>Will the proposed action result in:</p> <p>a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?</p> <p>b. Alteration of the aesthetic character of a community or neighborhood?</p> <p>c. Alteration of the quality or quantity of recreational opportunities and settings?</p> <p>d. Other: _____</p>		X			11a.
	X				
		X			11c.

11 a & c) Recreational use of the area is not expected to be significantly impacted by the project. Visitors may experience an increase noise and fumes from the operation of the power auger. The effects would be minor, short-term and end with the completion of the project.

IMPACTS

**HUMAN ENVIRONMENT**  
(Continued)

	Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<p>12. <u>CULTURAL/HISTORICAL RESOURCES</u></p> <p>Will the proposed action result in:</p> <p>a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?</p> <p>b. Physical change that would affect unique cultural values?</p> <p>c. Effects on existing religious or sacred uses of a site or area?</p> <p>d. Other: _____</p>	X					12a
	X					12b
	X					12c

12 a,b &c) An assessment of cultural resources and possible impacts will be completed by the State Historic Preservation Office (SHPO). The SHPO findings and recommendations will be incorporated into the final EA draft. It is not anticipated that any cultural or historic resources will be impacted by this project.

**3. SIGNIFICANCE CRITERIA**

**IMPACTS**

Unknown*	No Significant Impacts	Minor Impacts*	Potentially Significant Impacts*	Can Impacts be Mitigated*	Comment Index
<p><b>13. SUMMARY EVALUATION OF SIGNIFICANCE</b></p> <p>Will the proposed action, considered as a whole:</p> <p>a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)</p> <p>b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?</p> <p>c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?</p> <p>d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?</p> <p>e. Generate substantial debate or controversy about the nature of the impacts that would be created?</p> <p>f. Other: _____</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>				<p>13a.</p>

13 a.) Short-term, temporary minor impacts may occur to air quality, noise, and the quality of the recreational opportunities and setting. All impacts will be negligible, minor, temporary and end with the completion of the project. All impacts cited are non-significant.

## Part III. Alternatives and Evaluation

1. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

**A. No action** - This would allow a potentially hazardous situation to continue, possibly resulting in legal action against the state should an injury occur.

**B. Proceed as planned with the project** - This will have the beneficial effects of preventing public access to the edge of the spillway wall, thereby greatly reducing the potential for an injury from a fall.

**C. Preferred Option:**

The preferred option is B; proceed with the project as planned.

**D. Public Benefits of Preferred Option:**

The major benefit of this project is the enhancement of public safety in the vicinity of the dam spillway.

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

All impacts cited are non-significant, temporary and minor.

3. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO If an EIS is not required, explain why.

The EA is the appropriate level of analysis for this proposed action.

Because of the short-term, minor, non-significant and temporary nature of the actual impacts associated with this project and the beneficial effects to public safety, an EA is the appropriate level of analysis for this proposed action.

4. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

The appropriate level of public involvement for this proposal is the publication of the proposed action through the distribution of this draft Environmental Assessment to those entities listed on the cover page, and the publication of the draft EA on the DNRC website. This is an appropriate level of public involvement considering the minor, non-significant impacts of the environmental issues associated with the proposed action.

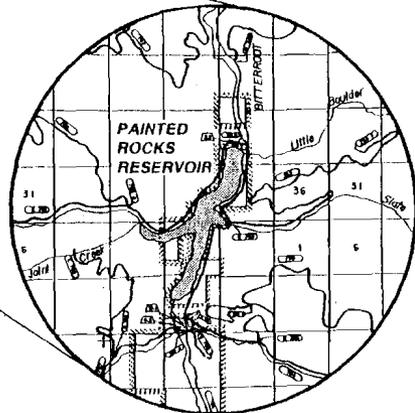
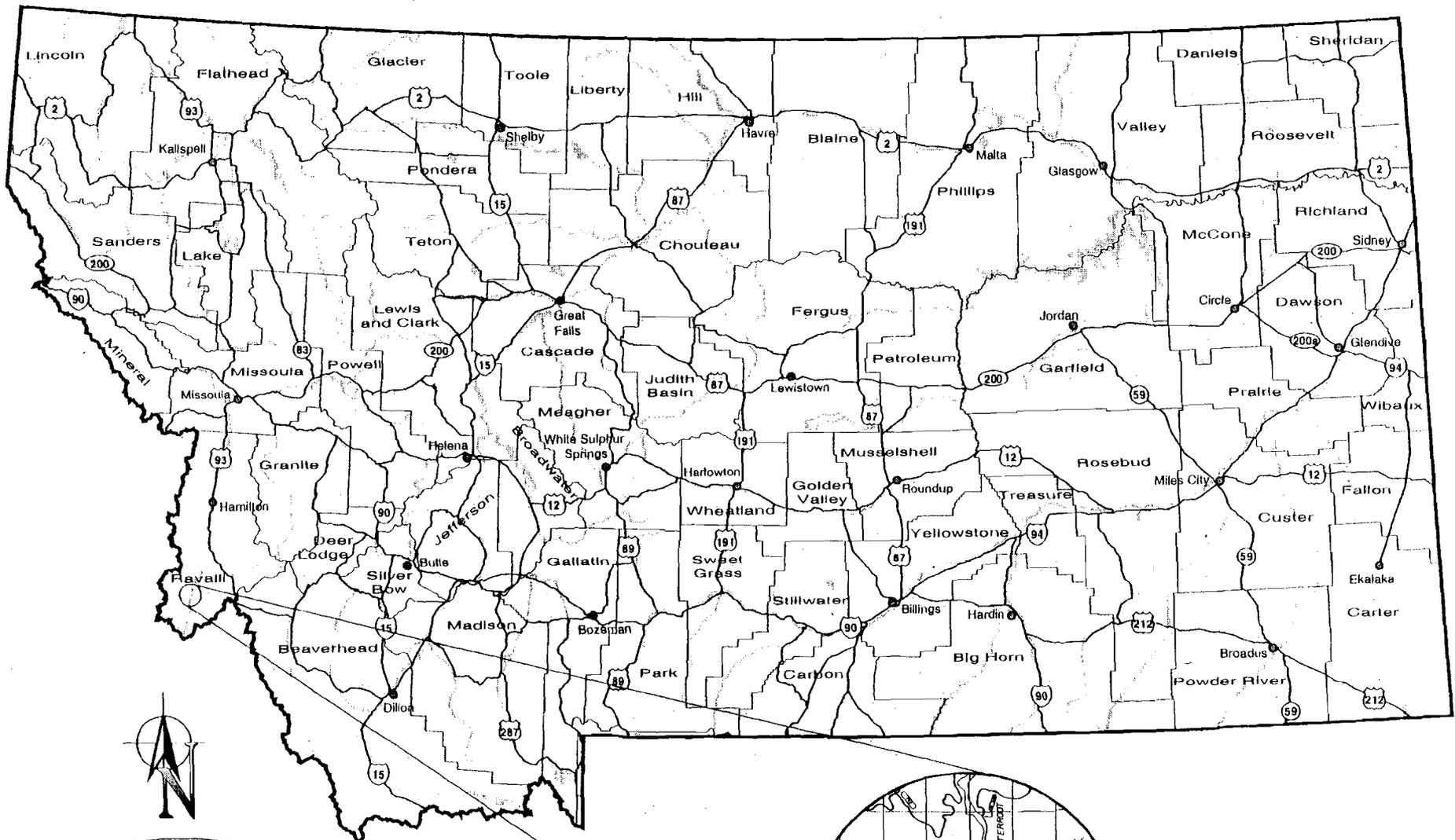
5. Duration of comment period if any: Copies of the EA can be obtained from the address listed below. The EA can also be viewed on the DNRC website at [www.dnrc.state.mt.us](http://www.dnrc.state.mt.us) in the environmental documents section. Comments will be accepted and should be mailed or e-mailed to DNRC at the address listed below. Comments will be accepted until 5:00 p.m., May 14th, 2004.

6. Name, title, addresses and telephone number of the Person(s) Responsible for Preparing the EA:

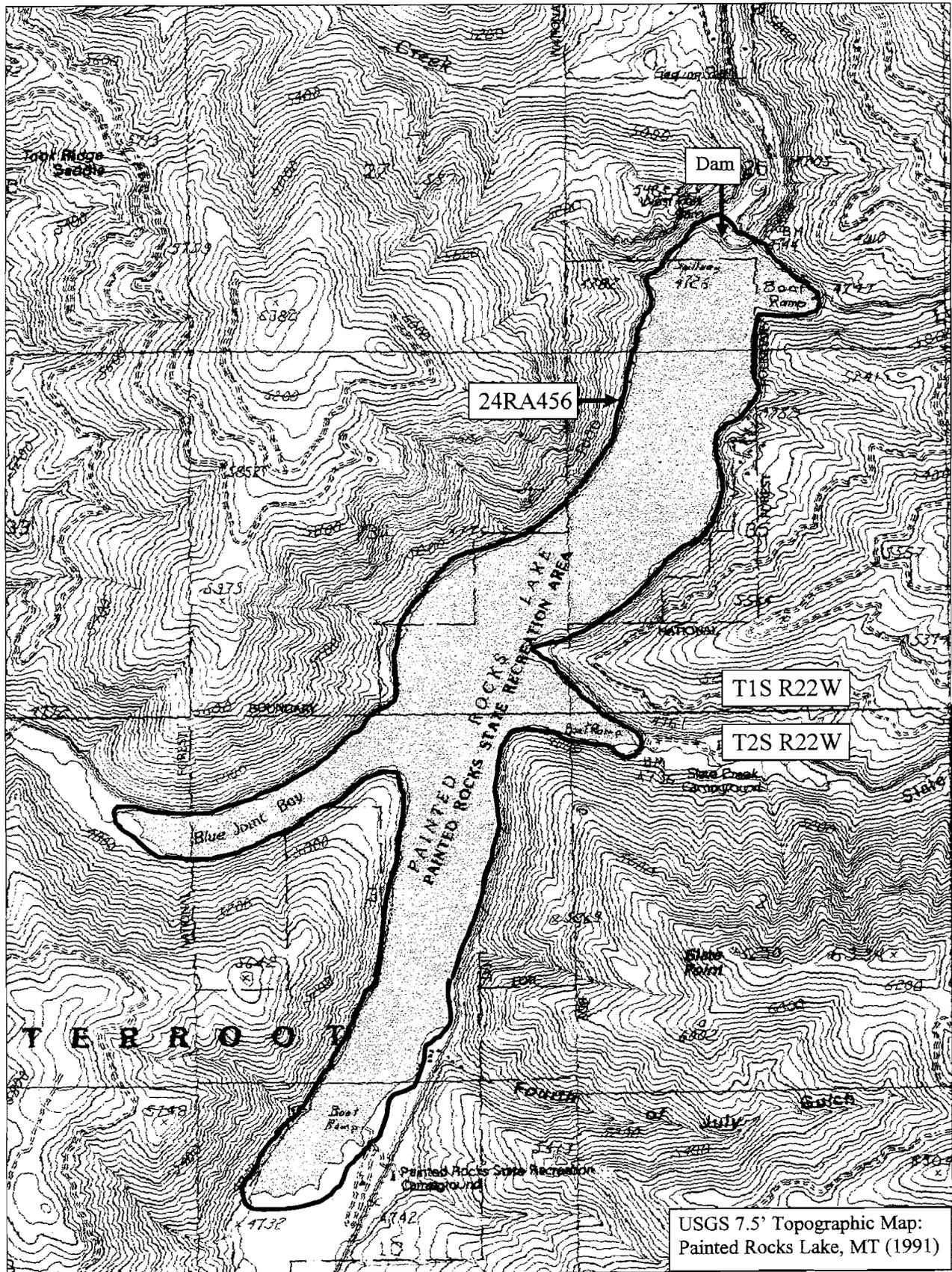
James P. Domino, Environmental Specialist, Department of Natural Resources and Conservation, Water Resources Division, State Water Projects Bureau, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620-1601, (406) 444-6622. e-mail - [jdomino@state.mt.us](mailto:jdomino@state.mt.us).

## Part IV. Narrative Evaluation and Comment

The project as proposed would not have any significant impacts. Potential impacts related to noise and fumes from equipment operation and the quality of the recreational experience will be minor, temporary and end upon completion of the project. No impacts to wildlife, plant or animal species of special of special concern or cultural resources are anticipated. The greatly enhanced public safety resulting from this project outweighs any minor short-term, non-significant and temporary impacts.



Painted Rocks Reservoir Location Map



Topographic map with the location of site 24RA456 indicated.

