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:* Flathead County Road and Bridge Department
1249 Willow Glen Road
Kalispell, MT 59901

2. *Type of action:* Permit to Appropriate Water 76LJ-30050671

3. *Water source name:* North Fork Flathead River

4. *Locations affected by project:*

- POD 1 - NWNESW, Section 35, Township 32N, Range 20W, Flathead County
- POD 2 - SESESW, Section 22, Township 33N, Range 20W, Flathead County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

This application is to obtain a water use permit for two points of diversion from the North Fork of the Flathead River for the purpose of road dust abatement. The Flathead County Road and Bridge Department utilizes 3,500 gallon trucks for dust abatement, which over the period requested appropriation, April 1 – August 31, will result in the use of 2.36 acre-feet (AF) at a rate of 800 gallons per minute (GPM). The requested flow rate was determined by each truck having the ability to divert water at a rate of 400 gpm, and there being a possibility of two trucks pumping simultaneously, thus totaling a diversion rate of 800 gpm.

The DNRC shall issue a water use permit if the 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)

Montana Natural Resource Program ..... Species of Concern
National Wetland Inventory ..... NRIS Website
Natural Resource Conservation Service ..... Web Soil Survey
Montana Department of Environmental Quality Website (TMDL 303d Listing)

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 North Fork Flathead River is not listed as a chronically or periodically dewatered stream by Montana Department of Fish, Wildlife & Parks (FWP), therefore this is not applicable. FWP does have instream flow protection rights for the North Fork Flathead River from the mouth to the Canadian border (Murphy Rights).

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: The North Fork Flathead River is listed on the 2010 Montana 303(d) list as fully supporting agriculture, aquatic life, drinking water, industrial, primary contact recreation and cold water fishery. There are no impairments listed and the pumping of water for dust abatement with have no significant impact to the water quality of the river.

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: This surface water appropriation should have no significant impact on groundwater in the area.

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 diversion works consist of 3,500 gallon capacity trucks containing a 400 gpm PTO shaft driven pump; a Berkeley B4ZRKSG171297 water pump and a Commercial M51A897FEAB12-25 hydraulic pump. This flow rate will allow each of the trucks to be filled in less than 10 minutes, approximately four times per day. These trucks will access the North Fork Flathead River through existing USDA Forest Service access sites, therefore, no new disturbance within the riparian areas will occur. No permanent infrastructure will be in place, therefore, there will be no obstructions to the natural flow nor obstacles for wildlife. There will not be significant 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 website was referenced to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern" in vicinity of Township 33N and Range 20W and Township 33N and Range 20W that could be impacted by the proposed project. The US Fish and Wildlife Service identified the threatened Canada Lynx (*Lynx canadensis*), Grizzly Bear (*Ursus arctos*), and Bull Trout (*Salvelinus confluentus*). In addition the State of Montana, US Forest Service, and Bureau of Land Management identified the following species as sensitive: Wolverine (*Gulo gulo*); Fisher (*Martes pennant*); Le Conte's Sparrow (*Ammodramus leconteii*); Harlequin Duck (*Histrionicus histrionicus*); Black-backed Woodpecker (*Picoides arcticus*); Great Gray Owl (*Strix nebulosa*); *Westslope* Cutthroat Trout (*Onchorynchus clarkii lewisi*); Arctic Grayling (*Thymallus arcticus*); Upward-lobed Moonwort (*Botrychium ascendens*); Western Moonwort (*Botrychium hesperium*); Pale Corydalis (*Corydalis sempervirens*).

The requested flow rate of 800 gpm will slightly reduce the flow in the North Fork Flathead River, however, given the normal flow conditions of the river and in-stream water rights held by the MT FWP, it is expected this effect will be negligible. Land use patterns will not change as a result of this proposed appropriation as it will utilize existing access sites. This project will have no significant impact on the species of special concern or create a barrier to the migration or movement of fish and wildlife.

***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: According to the National Wetland Inventory there are no wetlands in the area of the proposed points of diversion.

***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: There will be no soil alteration as a result of this proposed project. The points of diversion are located at existing USDA Forest Service access sites and this project is for dust abatement on county roads. There will be no degradation of soil quality, stability, or moisture content is expected with proposed project and the soils are not prone to saline seep.

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 land use changes will occur because this proposed project will be using existing national forest access sites to fill the trucks.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: Air quality will likely be improved due to dust abatement activities resulting from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: Water will be pumped into the trucks at existing national forest access sites and used for dust abatement on existing county roads. There will be no ground or site disturbance as a result of the proposed project and therefore will not degrade any cultural sites in the vicinity.

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 additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

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

Determination: The project is consistent with planned land use.

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: This project will have no significant impact on recreational or wilderness activities.

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

Determination: This project will have no significant 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: There are no additional government regulatory impacts on private property rights associated with this application.

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 significant impact.

(b) *Local and state tax base and tax revenues?* No significant impact.

(c) *Existing land uses?* No significant impact.

(d) *Quantity and distribution of employment?* No significant impact.

(e) *Distribution and density of population and housing?* No significant impact.

(f) *Demands for government services?* No significant impact.

(g) *Industrial and commercial activity?* No significant impact.

(h) *Utilities?* No significant impact.

(i) *Transportation?* No significant impact.

(j) *Safety?* No significant impact.

(k) *Other appropriate social and economic circumstances?* No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts have been identified.
Cumulative Impacts: No cumulative impacts have been identified.

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:* Under the no action alternative, the applicant would not have the benefit of water for road construction and dust abatement from sites that are located within a reasonable distance to the county road construction and maintenance projects. The applicant does have an existing permit for water out of the Flathead River but using that permit for road projects in this area would require trucking the water much further , increasing both the time and cost of the road projects.

PART III. Conclusion

1. Preferred Alternative: Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

2 ***Comments and Responses:*** None

3. ***Finding:***
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 an EIS is not necessary.

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

Name: Denise Biggar
Title: Deputy Regional Manager
Date: June 22, 2011