

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:* City of Libby, Attn: Jim Hammons, PO Box 1428, Libby MT 59923
2. *Type of action:* Application for Beneficial Water Use Permit 76D 30052171
3. *Water source name:* surface source Flower Creek
4. *Location affected by project:* E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20 and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21 all in Township 30N, Range 31W, Lincoln County
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 Flower Creek, by means of a pipeline in a small reservoir known as Lower Flower Creek Reservoir, from January 1 through December 31 up to an additional 879 AF, from a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 30N, Range 31W, Lincoln County, for municipal use from January 1 through December 31. The applicant proposes to use an on-stream reservoir, known as the Upper Flower Creek Reservoir, located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20 and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21 all in Township 30N, Range 31W, Lincoln County for storage. A storage right on the current Upper Flower Creek Reservoir, constructed and utilized since 1945, has never been filed. A new dam will be constructed with a reservoir capacity of 230 AF 85 feet downstream of current dam. This Application is for future municipal growth and the storage reservoir for the City of Libby as established by the 2009 Wastewater System Preliminary Engineering Report (PER) and the 2010 Water System PER. The place of use is generally located within the current city limits and those additional adjacent areas outside the city limits as outlined in the PERs referenced above, all in Lincoln County.

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

Montana Natural Heritage Program
United State Fish and Wildlife Wetland Mapper
Natural Resources and Conservation Service Soil Maps
Montana Department of Fish, Wildlife and Parks

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

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: Source not listed.

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: Source not listed.

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: N/A

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: Building and maintaining of the new dam and use of the reservoir will be under the scrutiny of other local, state and federal agencies. These agencies will provide guidelines in constructing and regulating the new structure. As a high hazard dam, the state will have to license and oversee it.

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."

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 in the vicinity of Township 30N, Range 31W, Lincoln County. 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, Flammulated Owl, Pacific Wren, Western Toad, Coeur d'Alene Salamander, Westslope Cutthroat Trout, Columbia River Redband Trout and Bull Trout.

Determination: No impact upon completion; dam and reservoir have been there since 1945.

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 impact.

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

Determination: N/A

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: Andic Dystrochrepts, alluvial terraces are the most abundant soil type in the area of the proposed reservoir and dam

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 impact

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 if it is on State or Federal Lands.

Determination: N/A – 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: No impact.

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: No impact; current dam and reservoir has been present since the 1940s.

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

Determination: Project provides water to the City of Libby.

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 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? None
- (b) Local and state tax base and tax revenues? None
- (c) Existing land uses? None
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? Future growth of City of Libby
- (f) Demands for government services? None
- (g) Industrial and commercial activity? None
- (h) Utilities? None
- (i) Transportation? None
- (j) Safety? None

(k) Other appropriate social and economic circumstances? None

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:

PART III. Conclusion

1. Preferred Alternative As proposed

2. Comments and Responses None

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 local, state and federal agencies will do their own analysis.

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

Name: Kathy Olsen

Title: Water Resource Specialist

Date: October 17, 2012