

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

**1. APPLICANT/CONTACT NAME AND ADDRESS:**

Lincoln County Port Authority  
PO Box 1071  
Libby, MT 59923

**2. TYPE OF ACTION:**

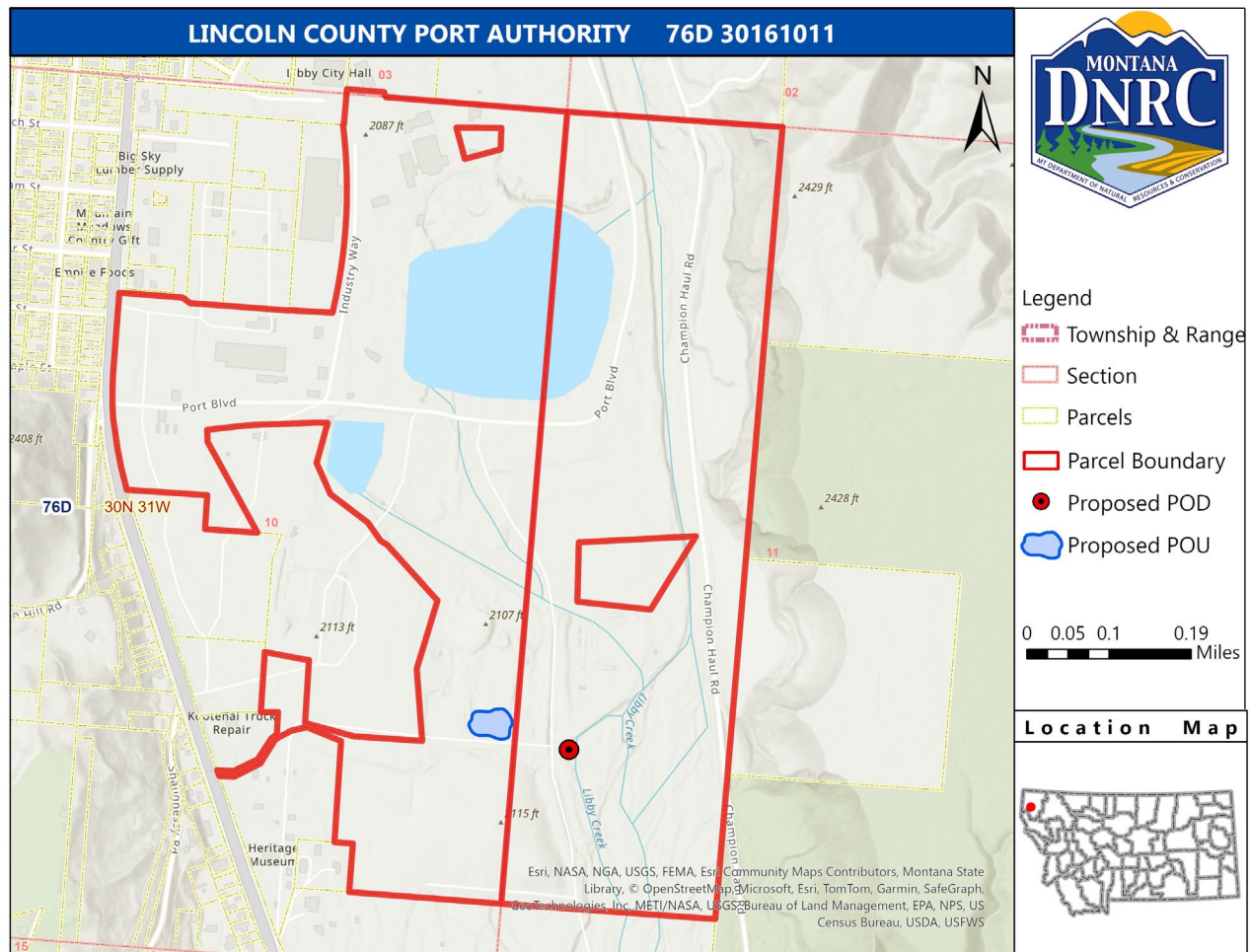
Surface Water Application for Beneficial Water Use Permit No. 76D 30161011

**3. WATER SOURCE NAME:**

Libby Creek

**4. LOCATION AFFECTED BY PROJECT:**

SWNWSW Section 11 and SENESE Section 10, Township 30N, Range 31W, Lincoln County, Montana.



**Figure 1.** Map of the proposed place of use and point of diversion.

**5. NARRATIVE SUMMARY OF THE PROPOSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:**

This application is to obtain a water use permit on Libby Creek. The Applicant proposes to divert water at a rate of 2.98 cubic feet per second (CFS) up to 798.62 acre-feet (AF) per year. The proposed appropriation is recreational use from January 1 – December 31. The point of diversion is in the SWNWSW of Section 11, Township 30N, Range 31W, Lincoln County, Montana. The place of use is in the SENESE of Section 10, Township 30N, Range 31W, Flathead County, Montana (Figure 1) in the Kootenai River Basin (76D).

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:**

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey
- U.S. National Park Service (NPS) Water Rights Branch

**Part II. Environmental Review**

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**1. ENVIRONMENTAL IMPACT CHECKLIST:**

*PHYSICAL ENVIRONMENT*

**1.1 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.

The Applicant proposes to divert water from Libby Creek, which is identified by the DFWP as a periodically dewatered stream from US Highway 2 Bridge to the mouth (Kootenai River). DNRC calculations of streamflow mean monthly flow estimates indicate there is sufficient water to support the proposed appropriation.

*Determination:* No significant impact.

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.

According to the MDEQ CWAIC 2020 Water Quality Information, Libby Creek is listed as “Not Assessed” for Primary Contact Recreation uses or Drinking Water. It is listed as not supporting Aquatic Life but is supporting Agriculture Uses. No further effects on water quality from the proposed appropriation are expected on Libby Creek.

*Determination:* No significant impact.

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, project does not involve groundwater.

**1.2 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.

Applicant will divert water from Libby Creek at a maximum rate of 2.98 CFS via an existing headgate that has been used for their permitted fishing pond. There is an existing diversion channel that flows from Libby Creek to the headgate. The applicant is proposing the headgate water to first flow into the proposed recreation pond instead of the fishing pond. Excess water from the recreation pond will flow over the outlet control weir and then into the fishing pond. Since the diversion means are already in existence, there are no further impacts expected as a result of the proposed project.

*Determination:* No significant impact.

### 1.3 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, 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 website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of special concern” in Section 10 and 11, Township 30N, Range 31W that could be impacted by the proposed project. Sixteen plant and animal species of concern (**Table 1**) were identified within the area specified above. Of these species, the Bull Trout (*Salvelinus confluentus*) and Grizzly Bear (*Ursus arctos*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain existing populations of Bull Trout, should they exist there currently. The property is situated between existing developed lots; any impacts to sensitive species have most likely already occurred and further significant impacts are not anticipated.

**Table 1.** Species of Concern in Section 10/11, Township 30N, Range 31W.

Common Name	Scientific Name	U.S. FWS – Status of a taxon under the federal Endangered Species Act of 1973
<b>Bull Trout</b>	<i>Salvelinus confluentus</i>	LT
<b>Cassin’s Finch</b>	<i>Haemorhous cassinii</i>	MBTA; BCC10
<b>Coeur d’Alene Salamander</b>	<i>Plethodon idahoensis</i>	
<b>Columbia River Redband Trout</b>	<i>Oncorhynchus mykiss gairdneri</i>	
<b>Evening Grosbeak</b>	<i>Coccothraustes vespertinus</i>	MBTA; BCC10
<b>Fisher</b>	<i>Pekania pennanti</i>	
<b>Great Blue Heron</b>	<i>Ardea Herodias</i>	MBTA
<b>Grizzly Bear</b>	<i>Ursus arctos</i>	LT
<b>Hoary Bat</b>	<i>Lasiurus cinereus</i>	
<b>Hooked Snowfly</b>	<i>Isocapnia crinite</i>	
<b>Lewis’s Woodpecker</b>	<i>Melanerpes lewis</i>	MBTA; BCC10
<b>Little Brown Myotis</b>	<i>Myotis lucifugus</i>	
<b>Pileated Woodpecker</b>	<i>Dryocopus pileatus</i>	MBTA
<b>Torrent Sculpin</b>	<i>Cottus rhotheus</i>	
<b>Veery</b>	<i>Catharus fuscescens</i>	MBTA
<b>Westslope Cutthroat Trout</b>	<i>Oncorhynchus clarkii lewisi</i>	

*Determination:* No significant impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

The area where the proposed pond is to be located is classified as PFO1A Freshwater Forested/Shrub Wetland. The resource would be altered due to the construction of the pond and removal of some trees/shrubs. The long-term effects may be beneficial by encouraging further wetland development in the immediate area due to the increased presence of water the pond will create.

*Determination:* Positive impact.

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

The proposed appropriation is to create a recreational pond. This is potentially beneficial by creating a slow flowing pool of water near Libby Creek for local wildlife, waterfowl, and fishery resources.

*Determination:* Positive impact.

- 1.4 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.*

The soils in the project area are *Andic Dystrachrepts, alluvial terraces* formed from mixed sandy and gravelly alluvium parent material and *Fluvents, flood plains* formed from a mixed alluvium parent material. Both soils are defined in hydrologic soil Group B, having moderately low runoff potential when thoroughly saturated. Soils within the place of use are not likely susceptible to saline seep.

*Determination:* No significant impact.

- 1.5 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.*

It is not anticipated that issuance of a water use permit will significantly impact existing native vegetation or contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations.

*Determination:* No significant impact.

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

There will be no impact on air quality associated with issuance of the proposed permit for beneficial use of groundwater.

*Determination:* No significant impact.

- 1.7 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. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination:* N/A, project not located on State or Federal Lands.

- 1.8 DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

*Determination:* No significant impact.

## *HUMAN ENVIRONMENT*

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

The project is consistent with planned land uses.

*Determination:* No significant impact.

**1.10 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.**

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

*Determination:* No significant impact.

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

No negative impact on human health is anticipated from this proposed use.

*Determination:* No significant impact.

**1.12 PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.**

No government regulatory impacts on private property rights.

*Determination:* No impact.

**1.13 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 identified.
- (b) Local and state tax base and tax revenues? None identified.
- (c) Existing land uses? None identified.
- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.
- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.
- (k) Other appropriate social and economic circumstances? None identified.

**2. SECONDARY AND CUMULATIVE IMPACTS ON THE PHYSICAL ENVIRONMENT AND HUMAN POPULATION:**

Secondary Impacts: None identified.

Cumulative Impacts: None 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:**

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of surface water at this location.

**Part III. Conclusion**

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**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? \_\_\_Yes XNo*

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

No significant impacts related to the proposed project have been identified.

**4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:**

*Name:* Alexis Nevins

*Title:* Water Resource Specialist

*Date:* 26 April 2024