

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. **Applicants/Contact names and addresses:**

Avista Corporation
1411 E. Mission Ave MSC-1
Spokane, WA 99202-2600

2. **Type of action:** Surface Water Application for Beneficial Water Use Permit 76N 30148209

3. **Water source name:** Graves Creek

4. **Location affected by project:** W2NWNE Section 11, Township 22N, Range 30W, Sanders County, Montana.

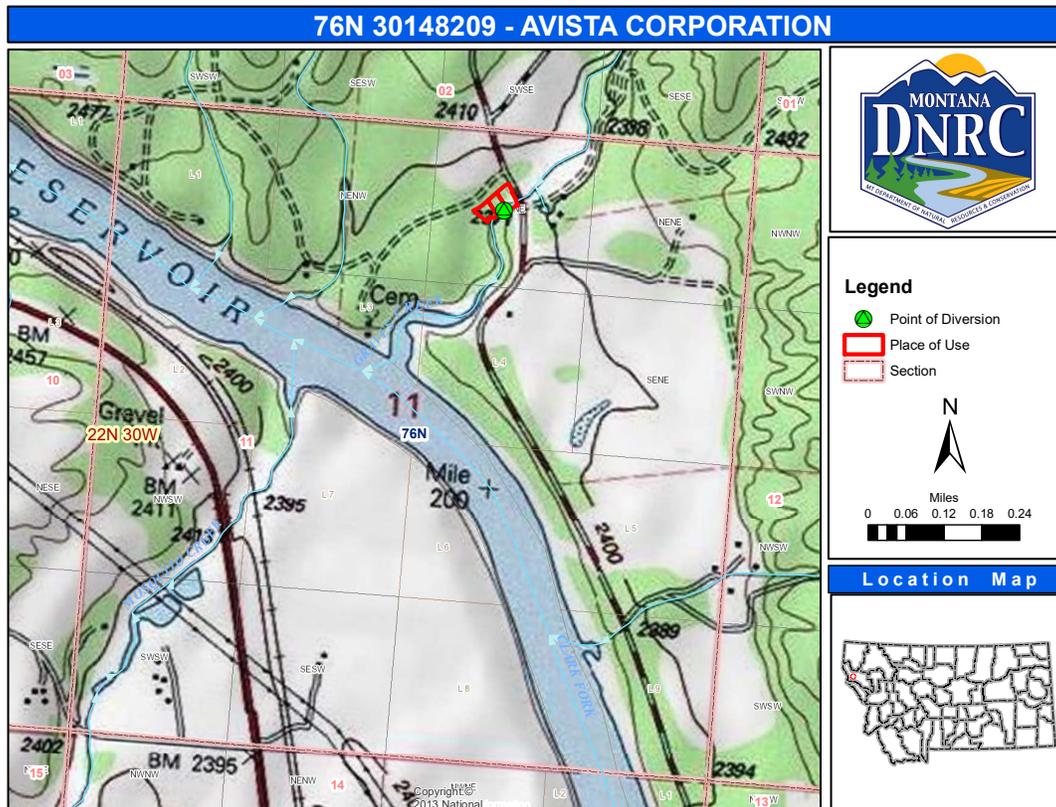


Figure 1. Map of the proposed place of use and point of diversion.

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

The Applicant proposes to divert water from Graves Creek, a tributary to the Clark Fork River, by means of a flume from January 1 – December 31 at a rate of 9.0 CFS up to a volume of 5,730.98 AF annually for operation of a fish trapping facility from January 1 – December 31. The point of diversion (POD) and place of use is located in the Steep River Ranch subdivision Lot 25, W2NWNE Section 11, Township 22N, Range 30W, Sanders County, Montana (Figure 1). The POD is in the Lower Clark Fork River Basin (76N), in an area that is not subject to water right basin closures or controlled groundwater area restrictions.

The actual diverted flow at any given time will be adjusted according to the amount of flow in Graves Creek. The maximum requested flow rate of 9.0 CFS will only be diverted when flows in Graves Creek exceed 10.6 CFS, and diversion will be suspended entirely when flow in the source drops below 2.2 CFS. The Applicant will always allow 1.6 CFS to flow through an upstream fish-passage channel to maintain stream connectivity for upstream-moving fish. When flows in Graves Creek are between 2.2 and 10.6 CFS, the applicant will divert the difference between the total flow present in the source and the 1.6 CFS that will be allowed to flow through an upstream fish-passage channel. The proposed diversion schedule is detailed further in the Adverse Effect, Adequate Diversion, and Beneficial Use sections of this preliminary determination document.

The proposed appropriation is non-consumptive. Diverted water will return to Graves Creek within seconds of diversion approximately 150 feet downstream of the point of diversion due to the facility's flow-through design.

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

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.

The Applicant plans to divert water from Graves Creek, which is tributary to the Lower Clark Fork River. Graves Creek has 0.4 miles of stream listed on the DFWP list of chronically or periodically dewatered streams. The proposed point of diversion and place of use for this project lie within this dewatered reach. However, the proposed use is non-consumptive, with the diverted water returning to the source within seconds of initial diversion. This project has the support of the DFWP and the USFWS, both of which have provided letters of support for this project.

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 Clean Water Act Information Center's 2020 Water Quality Information, Graves Creek has not been assessed for drinking water and primary contact recreation. Graves Creek is listed as "Fully Supporting" for agricultural uses and as "Not Fully Supporting" for aquatic life due to alteration in stream-side or littoral vegetative covers from grazing in riparian or shoreline zones and from non-construction related highway-road-bridge runoff (no TMDL applicable). Graves Creek's Water Quality Category is "4C," meaning identified threats or impairments result from pollution categories such as dewatering or habitat modification and, thus, a TMDL is not required. The applicant consulted with the MDEQ to determine whether or not a Montana Pollutant Discharge Elimination System permit would be required for this project. It was determined that permit was not required.

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, this project diverts from a surface water source.

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.

The Applicant proposes to divert water from Graves Creek at a maximum rate of 9.0 CFS via a flume. The fish trapping facility and all associated diversion, flow control, and conveyance structures were designed by R2 Resource Consultants, Inc. and overseen by a Professional Engineer licensed in the State of Montana.

Water will be diverted at a varying rate up to a maximum of 9.0 CFS depending upon the amount of flow in Graves Creek at any given time. A concrete pad will be constructed in the stream channel which will allow for the installation of various picket panels and stop logs to route water (and fish) to the 10-inch by 32-inch diversion flume. An upstream fish-passage channel is integrated into the design of the facility which will allow 1.6 CFS to bypass the diversion at all times in order to maintain connectivity for upstream-migrating fish in Graves Creek.

Diverted flow will travel through the flume to fill the operating storage space of the fish trap-box structure before flowing out of the trap-box. From the trap-box, water flows into a closed pipeline and discharges back into Graves Creek approximately 150-feet downstream of the POD.

This project will not create any channel impacts, flow modifications, barriers, dams, or riparian impacts to Graves Creek other than those permitted through the appropriate agencies, nor will it affect any constructed wells.

Determination: No significant impact.

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 website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of special concern” in Township 22N, Range 30W that could be impacted by the proposed project. 16 animal and three plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Grizzly Bear (*Ursus arctos*) and the Bull Trout (*Salvelinus confluentus*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain the existing populations of Bull Trout. It is not anticipated that any species of concern will be further impacted by the proposed project. Rather, the goal of the project is to enhance the population of the threatened Bull Trout species.

Table 1. Animal Species of Concern			
Wolverine (<i>Gulo gulo</i>)	Little Brown Myotis (<i>Myotis lucifugus</i>)	Fisher (<i>Pekania pennanti</i>)	Grizzly Bear (<i>Ursus arctos</i>)
Great Blue Heron (<i>Ardea herodias</i>)	Evening Grosbeak (<i>Coccothraustes vespertinus</i>)	Bobolink (<i>Dolichonyx oryzivorus</i>)	Pileated Woodpecker (<i>Dryocopus pileatus</i>)
Peregrine Falcon (<i>Falco peregrinus</i>)	Cassin's Finch (<i>Haemorhous cassinii</i>)	Harlequin Duck (<i>Histrionicus histrionicus</i>)	Clark's Nutcracker (<i>Nucifraga columbiana</i>)
Flammulated Owl (<i>Psiloscops flammeolus</i>)	Northern Alligator Lizard (<i>Elgaria coerulea</i>)	Westslope Cutthroat Trout (<i>Oncorhynchus clarkii lewisi</i>)	Bull Trout (<i>Salvelinus confluentus</i>)

Table 2. Plant Species of Concern		
Pale-yellow Jewel-weed (<i>Impatiens aurella</i>)	North Idaho Monkeyflower (<i>Mimulus clivicola</i>)	Clustered Lady's-slipper (<i>Cypripedium fasciculatum</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.

Determination: N/A, project does not involve wetlands or critical riparian habitats.

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

Determination: N/A, project does not involve ponds.

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.

It is not anticipated that the proposed diversion of water through the fish trapping facility will have a negative impact on the soil quality, stability, or moisture content. The facility and diversion works were designed by a licensed Professional Engineer and permits for construction have been obtained. The soils in the project area are Oldtrail-Glaciercreek-Larchpoint complex, 0-8 percent slopes, formed from alluvium parent material, and Bonnash gravelly ashy silt loam, 0-4 percent slopes, formed from volcanic ash over alluvium or outwash parent material. These soils have moderately high to high capacity to transmit water and soils in this area are not likely susceptible to saline seep.

Determination: No significant impact.

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.*

Existing vegetation will be cleared for construction of the fish trapping facility and associated fish handling facility. The applicant has applied for an additional water use permit which will serve in part to supply irrigation water to rehabilitate native vegetation following construction. It is not anticipated that issuance of a water use permit will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners who must follow local noxious weed regulations.

Determination: No significant impact.

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 to air quality associated with issuance of the proposed permit for beneficial use of surface water.

Determination: No significant 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. 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.

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

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.

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.

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.

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: 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 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 water from Graves Creek.

Part III. Conclusion

1. ***Preferred Alternative***

Issue a water use permit if the Applicants prove the criteria in 85-2-311 MCA are met.

2. ***Comments and Responses***

None.

3. ***Finding:***

Yes ___ No X 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:

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

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

Name: Travis Wilson

Title: Water Resource Specialist

Date: October 13, 2020