Trumbull Creek Channel Remediation
124 Permit Application
Public Draft
Environmental Assessment

June 2013

Montana Fish, Wildlife & Parks

Public Draft Environmental Assessment
MEPA CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:
Montana Fish, Wildlife & Parks (FWP) proposes to examine and make a decision on whether or not to grant approval for a Montana Stream Protection Act (SPA) 124 Permit application submitted by the Flathead Conservation District (FCD) for channel remediation on Trumbull Creek. The proposed project includes removal of vegetation and accumulated sediment on streambed and restoring level height. It also includes construction of a livestock watering area.

2. Agency authority for the proposed action:
87-5-502. Notice of construction or hydraulic projects. An agency of state government, county, municipality, or other subdivision of the state of Montana, hereafter called applicant, shall not construct, modify, operate, maintain, or fail to maintain any construction project or hydraulic project which may or will obstruct, damage, diminish, destroy, change, modify, or vary the natural existing shape and form of any stream or its banks or tributaries by any type or form of construction without first causing notice of such planned construction to be served upon the department (Fish, Wildlife & Parks) on forms furnished by the department as soon as preliminary plans are completed, but not less than 60 days prior to commencement of final plans for construction. Such notice shall include detailed plans and specifications of so much of said project as may or will affect any such stream in any manner specified above.

87-5-503. Investigation of construction plans. The department shall promptly examine and investigate all such plans. Should the department determine the plans and specifications furnished with any such application technically insufficient, the department shall so notify the applicant and may render aid in preparing adequate plans and specifications.

87-5-504. Notice of department findings and alternative plans. Within 30 days after the receipt of such plans, the department shall notify the applicant whether or not such construction project or hydraulic project will adversely affect any fish or game habitat. If the department notifies the applicant that such construction will adversely affect any fish or game habitat, it shall accompany such notice with recommendations or alternative plans which will eliminate or diminish such adverse effect.

3. Name of project:
Trumbull Creek Channel Remediation 124 Permit Application

4. Project sponsor:
Flathead Conservation District
133 Interstate Lane
Kalispell, MT 59901
406-758-5800

5. Anticipated schedule:
Estimated construction commencement date: 9/1/2013
Estimated completion date: 11/30/2013
Current status of project design (% complete): 100%

6. Location affected by proposed action:
Flathead County, Range 21W, Township 30N, Section 13, near the town of Columbia Falls, Montana. Project in stream reach between the Hwy 40 crossing and Hwy 2 crossing.

7. Project size:

	Acres		Acres
(a) Developed:		(d) Floodplain	1
Residential	0		
Industrial	0	(e) Productive:	
(existing shop area)		Irrigated cropland	0
(b) Open Space/	0	Dry cropland	0
Woodlands/Recreation		Forestry	0
(c) Wetlands/Riparian	6,250 linear feet of stream	Rangeland	0
Areas		Other	0

8. Listing of any other local, state, or federal agency that has overlapping or additional jurisdiction:

(a) Permits (Permits will be filed at least 2 weeks prior to project start.):

Agency Name	Permits
US Army Corps of Engineers	Federal Clean Water Act 404 Permit
Flathead County Development Office	Floodplain Construction Permit
MT Dept. of Environmental Quality (MDEQ)	318 permit for short-term exemption for turbidity

(b) Funding:

Agency Name	Funding Amount
Flathead Conservation District	NA

(c) Other overlapping or additional jurisdictional responsibilities:

Agency Name	Type of Responsibility
US Army Corps of Engineers	Permitting
Flathead County Floodplain Office	Permitting
MDEQ	Permitting

9. Narrative summary:
The Flathead Conservation District provided FWP an SPA 124 Permit application that included a written description and drawings of the proposed construction.

FCD proposes to reduce flooding on nearby private property by restoring capacity of a man-made ditch-like channel created in the 19th century. The channel has filled with sediment and debris. The project includes removing roughly one foot of sediment and placing material on eastside levee, reestablishing channel, removing debris, and constructing a livestock watering area. Work would occur on approximately 6,250 feet of channel. All activities would occur on some reaches, while only debris and vegetation removal will occur on other reaches.

The project site has been manipulated over time. The man-made channel was constructed in the 19th century. In 1985, the FCD cleared vegetation along 1,700 feet of channel. Over time, sediment has accumulated in the channel due to livestock activities and sediment transport from upstream reaches. Exotic yellow willow has also encroached on the channel. These changes have reduced the capacity of the ditch and raised the bed elevation of the channel leading to frequent flooding of adjacent properties. The goal of the project is to remediate the frequency of flooding.

FWP will notify the applicant whether or not the proposed construction project will adversely affect fish or wildlife habitat, what modifications are required, and whether or not the project will be permitted.

Wildlife that use the project target area include white-tailed and mule deer, various small mammals including skunk, raccoon, and foxes, various bird species, and amphibians. There are no recorded threatened or endangered species or species of concern within the project area. In 2006, a grizzly bear was observed traveling along Trumbull Creek (MT Natural Heritage Program database).

Fisheries species that use Trumbull Creek include sculpin, brook trout, and westslope cutthroat trout.

10. Description of alternatives:

Alternative A: No Action
FWP would not provide a permit for the proposed construction. No Action alternative would leave the site in its current state. The FCD may challenge this decision through an arbitration process. This alternative will result in regular flooding of adjacent private property.

Alternative B: Proposed Action
FWP would approve proposed construction with or without modifications to reduce impacts to fish and wildlife habitat. Additional mitigation activities may be identified during the review process and be included in the permit to FCD and the decision notice.

PART II. PREDICTED ENVIRONMENTAL OUTCOMES

1. Evaluation of the impacts of Alternative B, including secondary and cumulative impacts on the physical and human environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				1c.
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			1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

1c. The channel and levee banks in the project site are man-made. Construction would restore site to previous condition. Short sections of levee on the east side of the channel would be restored. The site has been previously impacted with channel construction and agricultural activities.

1d. Silts and fine sediments will be removed from the channel to the depth of the original ditch, which is lined with a clay layer. Levees will be rebuilt with excavated material. Fencing will reduce future impacts from livestock, but sediments will continue to be transported into the reach from upstream sources.

Secondary impacts include fine sediments that may be displaced with excavation activities to downstream reaches. This could reduce channel capacity if large amounts are transported. During the proposed construction period, the channel downstream goes dry so material would not be transported far outside the reach. No cumulative impacts were identified.

2. AIR **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)		X				
b. Creation of objectionable odors?		X				
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. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		N/A				
f. Other:		X				

No impacts to air quality were identified. A medium-sized excavator and a small bulldozer will be used for construction. These are gas powered and will emit exhaust, but not at levels to create impacts to air quality. No secondary or cumulative impacts to air quality were identified.

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?			X		X	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				3c.
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				See 3c.
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		N/A				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		N/A				
n. Other:		X				

3a. Bed excavation will disturb the bed and bank and introduce fine materials into the water body creating turbidity. FCD proposes mitigation actions to minimize the opportunity for sediment transport by completing construction during the lower stream flows and reseeding the disturbed area following construction. During construction period the stream flow goes underground a short distance downstream of the project site. This will minimize the potential for sediments to move into downstream reaches. MDEQ will provide specific requirements in the 318 permit to minimize turbidity. As the project proceeds downstream, some of the transported materials will be removed.

3c. The project goal is to reduce the frequency of flooding on adjacent private lands by restoring the channel capacity of the stream in the project site.

No secondary or cumulative impacts were identified.

4. VEGETATION Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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			4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X			X	4e.
f. For P-R/D-J, will the project affect wetlands or prime and unique farmland?		N/A				
g. Other:		X				

4a and b. Encroaching vegetation along the approximately 6,250 linear feet of bank may be removed in sections. This largely consists of yellow willow roots and branches. Grass seed will be placed on disturbed soils.

4e. FCD proposes to reseed any disturbed areas with weed-free grass seed.

No secondary or cumulative impacts were identified.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?			X			5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
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				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		N/A				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		N/A				
j. Other:		X				

5a. There is no critical or important habitat for wildlife or fisheries species within the project area. The majority of the vegetation along the creek in the project area had been removed to reduce once before to decrease the accumulation of sediment and debris in the creek.

5b. Construction activities may displace brook trout and disrupt spawning. The end of the proposed construction period overlaps some spawning. Although there will be impacts to individual fish, the impacts are limited in individual reaches of stream and not great enough to impact the larger population. Fish will recruit into the project site from upstream sources. No long-term impacts to brook trout are expected.

5c. During the proposed creek improvements, nongame species in the immediate area are likely to move from the area because of the noise of the equipment and increased human presence. Nongame species may return to the creek corridor in the future when reseeded areas become reestablished.

5f. There are no species listed as endangered under the Endangered Species Act (ESA) or Species of Concern at the site. Grizzly bears have traveled near the project area and may in the future. The proposed project will not interfere with their movements.

Secondary impacts:
In the future, the designated livestock watering area would decrease the movement of sediments into the channel that could impact fisheries.

No cumulative impacts were identified.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X			6a.
b. Exposure of people to severe or nuisance noise levels?		X				
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:		X				

6a. A medium-sized excavator and a small bulldozer will be used for construction. These are gas powered and will emit noise that will increase existing noise levels. This increase will be limited to the construction period and during daylight hours.

No secondary or cumulative impacts were identified

7. LAND USE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use, the presence of which would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7a.
e. Other:		X				

7a. The goal of the project is to reduce the frequency of flooding of adjacent private lands, which should improve the productivity and profitability of the existing land uses and benefit residences.

No secondary or cumulative impacts were identified.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		N/A				
e. Other:		X				

No direct, secondary or cumulative impacts were identified.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPAC					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

No direct, secondary or cumulative impacts were identified.

10. PUBLIC SERVICES/TAXES/UTILITIES **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. 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:		X				
b. An effect upon the local or state tax base and revenues?		X				
c. 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?		X				
d. An increased use of any energy source?		X				
e. Define projected revenue sources.		X				
f. Define projected maintenance costs.		X				
g. Other:		X				

No direct, secondary or cumulative impacts were identified.

11. AESTHETICS/RECREATION **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		N/A				
e. Other:		X				

No direct, secondary or cumulative impacts were identified.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)		N/A				
e. Other:		X				

12a. The channel is man-made. The disturbance occurred in the 19th century. The proposed project would not create any additional alteration of the site. The project aims to remove accumulated sediment and debris, and restore original channel dimensions.

No secondary or cumulative impacts were identified.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				13e.
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		N/A				
g. For P-R/D-J, list any federal or state permits required.		N/A				

13e. The eight adjacent private landowners have provided the FCD with permission to do the construction on their lands. No controversy is expected since the channel is artificial.

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

FWP and other regulatory agencies can require additional mitigation actions to protect water quality during construction activities. Completing construction during the low flow period will prevent sediments from being transported downstream since the channel goes dry just downstream of the project site. Disturbed soils will be seeded.

PART III. NARRATIVE EVALUATION AND COMMENT

This analysis does not reveal any significant impacts to the human or physical environment. This is largely the case since the stream is heavily impacted by channel modifications to a ditch-like condition that occurred in the 19th century. Minor impacts are associated with the potential to create turbidity in the construction site, alteration of plant community by removal of encroaching vegetation, disruption and displacement of brook trout during spawning period, and increased noise levels due to operation of heavy equipment. These impacts are all minor and of short-term duration. No controversy is expected since the adjoining private landowners have provided permission to the FCD for the proposed activities and the goal of the project is to reduce the frequency of flooding on adjacent private lands, which will benefit landowners.

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PART IV. PUBLIC PARTICIPATION

1. Public Involvement:

The public will be notified in the following manners to comment on this draft EA, the proposed action, and the alternatives:

- Two public notices in each of these papers: Daily Inter Lake and Flathead Beacon
- One statewide press release
- Public notice on the Fish, Wildlife & Parks web site: *http://fwp.mt.gov*

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope, having limited impacts, many of which can be mitigated.

The Flathead Conservation District held a public meeting on 3/4/2013, which included invitations to adjacent landowners.

2. Duration of comment period:

The public comment period will extend for thirty days. Written comments will be accepted through 5:00 p.m., Monday, July 22, 2013, and can be mailed to the address below:

Trumbull Creek Remediation EA
Attn: Mark Deleray
Montana Fish, Wildlife & Parks
490 N. Meridian Road
Kalispell, MT 59901

Or e-mailed to mdeleray@mt.gov.

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required?**

No, the proposed action is FWP providing FCD a permit. Permitting proposals of other agencies is a regular activity of FWP. The project area is small and proposed work has only minor, short-term impacts and is not expected to create controversy.

2. Person responsible for preparing the EA:

Mark Deleray, Fisheries Biologist
Montana Fish, Wildlife & Parks
490 North Meridian Road
Kalispell, MT 59901
406-751-4543

3. List of agencies consulted during preparation of the EA:

Montana Fish, Wildlife & Parks
Legal Bureau