

MILL LAKE DAM PROJECT 2005

FINDING OF NO SIGNIFICANT IMPACT

**Bitterroot National Forest
Stevensville Ranger District
Ravalli County, Montana**

MAY 2005

Lead Agency:

USDA Forest Service

Responsible Official:

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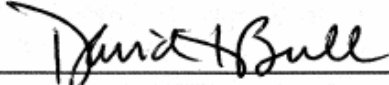


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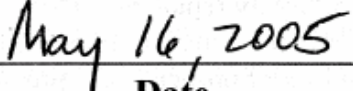
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After considering the environmental effects described in the attached environmental assessment, and the entirety of the project planning record, I have determined that the actions associated with Alternative 2, the Proposed Action, will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.



David T. Bull, Forest Supervisor



Date

I base my finding on the following:

Context: The project does not have any large or lasting effect on society as a whole, the nation, or the state. The effects are local in nature, mostly short term and ephemeral, and are not likely to significantly affect regional or national resources. The affected area is limited in size and the proposed activities and their adverse effects are limited in duration.

While the proposed action would authorize and specifically regulate activities within a part of the Selway Bitterroot Wilderness, the resulting actions and effects are limited to only a small portion, about 0.82 percent, of this 1.3 million acres wilderness. Effects from motorized access are only anticipated to occur on about four or five days out of a total repair time of about four weeks. Potential users whose wilderness experience could be affected by this authorization will have numerous opportunities to find equivalent experiences nearby or, if they choose, they may find the same opportunities and experiences within the project area both before and after these limited activities are completed (EA p. 17-22).

Additionally, the proposed actions are designed to achieve purposes recognized and validated by Congress when it established the Selway Bitterroot Wilderness and consistent with rights of access established by Congress under both the Wilderness Act and the Alaska National Interest Lands Conservation Act (EA, Purpose and Need for Action).

Additional context considerations are discussed below relative to individual intensity factors.

Intensity:

Significant Impacts That May be Both Beneficial and Adverse:

I considered beneficial and adverse impacts associated with the alternatives as presented in pp. 14-58 of the EA and in the project file. The proposed authorization would facilitate work which itself would reduce the risk of severe and long lasting adverse effects to wilderness and other aspects of the human environment, including public safety, in the long term without risking significant adverse effects in the short term. The individual and overall impacts of the selected alternative will have no significant adverse impacts.

On this basis, I conclude that the specific and cumulative adverse effects of the selected alternative are not significant.

The Degree to Which the Proposed Action Affects Public Health or Safety:

It is my determination that the selected alternative will have no significant adverse effects, but will have beneficial effects on public health and safety. The action is designed to protect public health and safety by repairing a structural deficiency of Mill Lake Dam and to comply with dam safety requirements, so as to prevent a possible future catastrophic dam failure which could result in the loss of property and life. Mitigation measures (EA p. 8-9) will provide reasonable public safety precautions during the actual authorized activities.

Issues concerning public health and safety raised by members of the public regarding this proposal have been addressed. Activities will result in long term beneficial effects to public safety and temporary effects will be mitigated (EA p. 8-9).

Unique Characteristics of the Geographic Area, Such as Proximity to Historic or Cultural Resources, Park Lands, Prime Farms, Wetlands, Wild and Scenic Rivers, or Ecologically Critical Area:

The project area does not contain any park land, prime farmlands, wild and scenic rivers, or ecologically critical areas.

Effects on cultural resources have been analyzed. The analysis found that the proposed access and project work would not impact any known cultural sites.

The authorization and connected actions do occur within the Selway Bitterroot Wilderness. The proposed authorization facilitates a repair of an existing dam on a previously disturbed site. It would not significantly impact undisturbed sites. The dam was a pre-existing structure (est 1895) within the wilderness when the Wilderness Act was enacted and provisions have allowed for those pre-existing structures and uses. The effects of the proposal on this wilderness are limited and mostly short term and ephemeral (EA p. 17-22)

No wetlands would be disturbed or affected by the proposed authorization. An indirect effect of granting helicopter access to the site (alternative 2) is the repair work that would be enabled by the improved access. The dam repair work would disturb small areas around the dams, outlet channels, and trail. With the small area affected by physical disturbance and operational mitigations, a measurable loss of wetlands is unlikely. Wetlands associated with the reservoir water lines, and inlet stream channel would not be altered by the proposed access or associated construction work, as they are subjected to seasonal water level fluctuations on a yearly basis. The proposed activities would not threaten other wetlands elsewhere in the watershed due to the distances involved and minor flow and sediment effects. Additionally, the planned repairs reduce the risk of dam failure related impacts to downstream wetlands and aquatic resources (EA p. 24-25).

Based on these findings, I have concluded that my decision will have no significant effects on unique resource characteristics of the geographic area.

The Degree to Which the Effects on the Quality of the Human Environment are Likely to be Highly Controversial: The effects of this action on the quality of the human environment are not highly controversial. We received a range of public comments, both supportive of and objecting to the project, throughout the development of this proposal. None of the comments raised questions of scientific controversy surrounding potential effects of this authorization (Decision Notice Appendix A, Response to Comments). Past monitoring has determined that actual effects of similar projects are consistent with estimated effects of the proposed activities (PF G-13). Scoping and subsequent analysis did not indicate any highly controversial issues.

The Degree to Which the Possible Effects on the Human Environment are Highly Uncertain or Involve Unique or Unknown Risk: This action is similar to past actions conducted on the Bitterroot National Forest and in the Selway Bitterroot Wilderness and the potential effects are well understood. The EA discloses potential effects, none of which are significantly unique or involve potentially significant unknown risks (EA p. 14-58). It is my conclusion that there are no unique or unusual characteristics in the area or project which have not been previously encountered or that would constitute an unknown risk to the human environment.

The Degree To Which the Action May Establish a Precedent for Future Actions With Significant Effects or Presents a Decision in Principle About a Future Consideration: The proposed authorization is not setting a precedent for future actions with potentially significant effects. This action does not represent a decision in principle about a future consideration. The authorization would facilitate repairs which simply maintain rights and uses established under the original easement. The immediate repair action is necessary for the maintenance of the dam in a safe condition at this time, independent of any past or future needs.

Whether the Action is Related to Other Actions With Individually Insignificant but Cumulatively Significant Impacts:

The effects of the authorization of access to the repair work on Mill Lake Dam, combined with the effects of past and other present and reasonably foreseeable activities, are discussed and disclosed throughout the EA. The action's effects are not cumulative to other actions with individually or cumulatively significant impacts.

I looked particularly at the cumulative effects to wilderness, dam safety and related public safety because they were identified as important issues from scoping. The cumulative effects to Wilderness resources are minor and typically short-term and ephemeral. The cumulative effects to dam safety and related public safety are beneficial. There is no indication of any significant adverse cumulative effects to the environment.

The Degree to Which the Action may Adversely Affect Districts, Sites, Highway Structures, or Objects Listed in or Eligible for Listing in the National Register Of Historic Places, or May Cause Loss or Destruction of Significant Scientific, Cultural, or Historic Resources:

Effects on cultural resources have been analyzed. The Mill Lake Dam has been determined Not Eligible for the National Register of Historic Places. No other Heritage sites have been located within the proposed project area. The analysis found that the Mill Lake Dam rehabilitation and access activities will have no adverse effect on Heritage resources. (EA p 58). Interested Indian tribes had no cultural resource concerns, either (Project File (PF) D-9).

The Degree to Which the Action may Adversely Affect an Endangered or Threatened Species or Its Habitat That Has Been Determined to be Critical Under The Endangered Species Act Of 1973:

The Forest Service completed Biological Assessments and Biological Evaluations for federal threatened endangered, candidate, and sensitive wildlife, fish, and plant species, which could be affected by the proposed project.

This project will have no effect on bull trout. This project may have inconsequential or discountable disturbance impacts to downstream habitat of westslope cutthroat trout, but will not likely contribute to a trend towards a federal listing or cause a loss of viability to the population as a whole. (EA p. 33, PF D-5)

The project activities should have no impact on any sensitive plants since none were found in the area. There is some potentially suitable habitat for Bitterroot bladderpod, but there should not be any adverse impacts because the activities will occur on previously disturbed areas (EA p. 56, PF G-9).

The project will not affect wolf habitat or known den sites. There is a small chance that construction activities and/or helicopter flights to the dam could potentially disturb wolves to a minor degree if any happened to be in the area. Any of these disturbances would be minor and temporary, and none would result in any lasting adverse effects to wolves. The effects call for this project is “Not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat”. (EA p. 40-41, PF D-6, D-8).

The project will have “no effects” to the following threatened or endangered wildlife species known or suspected to occur on the Forest; bald eagles and grizzly bear. (EA p. 39-43, PF D-6, D-8).

Project effects to lynx from Alternative 2 were evaluated using the lynx screens contained in the Programmatic Biological Assessment (PBA) For Activities That Are Not Likely to Adversely Affect Threatened and Endangered Terrestrial Species in Montana (USDA, 2005). Because the project meets the lynx screens in the PBA under the Other Special Uses activity type, the programmatic concurrence from USFWS for this PBA satisfies the consultation requirements under Section 7 of the Endangered Species Act. No further consultation with USFWS is necessary. (EA p. 38-39, PF D-6, D-8).

For this project the effects call is May Impact Individuals or Habitat, but Will Not Likely Result in a Trend Toward Federal Listing or Reduced Viability for the peregrine falcon, flammulated owl, black-backed woodpecker, fisher, wolverine, Coeur d'Alene salamander, northern goshawk and boreal toads. The effects call for all other sensitive species is No Impact. (EA p. 43-53, PF D-6, D-8).

This project would not affect existing marten habitat or pileated woodpecker habitat. Any disturbances to marten or pileated woodpeckers would be minor and temporary, and none would result in any lasting adverse effects to marten or pileated woodpeckers. (EA p. 35-37, PF D-6, D-8).

The project will have no effects to old growth habitat or other important habitats. (EA p. 35-38, 45-46, 47-48, 51-52, 66, PF D-6, D-8).

The project meets Forest Plan standards for management of wildlife species. (EA p. 64-66, PF D-8).

Based on this analysis I find that this project will not significantly adversely affect any threatened or endangered species.

Whether the Proposed Action Threatens a Violation of Federal, State, or Local Law or Requirements Imposed for the Protection of the Environment:

This project decision meets Federal, State, and local laws for dam safety, water quality, air quality, cultural resources, and threatened and endangered species, and meets National Environmental Policy Act disclosure requirements (EA, p. 59-68).

Based on the context and intensity of the project as discussed in the items above, I conclude there will be no significant direct, indirect or cumulative impacts from implementing the Mill Lake Dam Access project as described in Alternative 2.