



**US Army Corps
of Engineers®**

**CORPS OF ENGINEERS
SEATTLE DISTRICT**

and the

ESSEX COUNTY WATER AND SEWER DISTRICT

Section 595 –Essex Water Improvements Project, Phase II

Essex, Flathead County, Montana

Environmental Assessment & Finding of No Significant Impact

December 2010

Finding of No Significant Impact

SECTION 595 of WRDA 99

ESSEX WATER IMPROVEMENTS PROJECT, PHASE II ESSEX, FLATHEAD COUNTY, MONTANA

Project Summary

Under the authority of Section 595 of the Water Resources Development Act of 1999, the U.S. Army Corps of Engineers, Seattle District (Corps) is partnering with the Non-Federal Sponsor, Essex County Water and Sewer District (District), on phase two of its water improvements project. The proposed project is located in the unincorporated limits of Essex County Water and Sewer District. Essex is located in the northwestern part of the state, along Highway 2, in Flathead County, Montana. Essex is approximately 17 miles away from Glacier National Park. Essex lies within Sections 14 and 15, Township 29 North, and Range 16 West. The District is seeking improvements to its current water distribution system. The current water distribution system is now approximately 100 years old. An evaluation of the system noted several deficiencies with water storage, water distribution, and water metering. Improvements to the existing facility are necessary to address health and safety issues raised by the Montana Department of Environmental Quality, improve system operations, and address out-dated water system components.

Alternatives

To address the concerns with the aging water system, the District considered several alternatives. Alternatives to address water storage included the following: No Action, Abandon the Existing Storage Tank, Renovate the Existing Storage Tank (**Recommended Plan**), and Construct a New Storage Tank. Alternatives to improve water distribution included the following: No Action, Install New Small Diameter Piping following the Old Main, Install New Small Diameter Piping following the existing Right of Ways (**Recommended Plan**), and Install New Large Diameter Piping to provide for Fire Suppression Flows. In addition to these alternatives, the District evaluated installation of meters for all users. The alternatives considered but not selected have not been recommended because, although they would meet the project purpose and need, those alternatives were generally more expensive and in some cases, were less technically feasible.

Recommended Plan

Selection of the preferred alternative was based upon multiple criteria, both monetary and non-monetary. The recommended plan includes the following: connection to the new ground water source drilled as part of Phase I of the water improvements project, replacement of all old transmission mains with new two-inch diameter HDPE pipe (following existing water line easements, existing roadway and utility easements, as well as obtaining new easements from private land owners), renovating the existing water storage tank, and installing water meters on all commercial users.

Summary of Environmental Impacts

Phase II of the Water Improvements Project would ensure permit compliance, promote health and safety, and address aging components of the existing water system. The recommended plan would result in no adverse impacts to any Federally-listed threatened or endangered species or their habitat. The recommended plan would result in no impacts to any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. Areas near the proposed project site would be temporarily disturbed by proposed construction activities. The impacts associated with the proposed system upgrades are short term/minor associated with project construction. These minor impacts would be greatly offset by updating the existing water system components in order to provide adequate health and safety, meet the Montana Department of Environmental Quality's standards for approved water supply, and replace leaking distribution mains. Of the alternatives considered, the Recommended Plan is proposed because it can be reasonably implemented, meets the projects purpose and needs, and is consistent with protection of the nation's environment.

Mitigation Measures

Best Management Practices, such as minimizing ground disturbance, washing off-road equipment prior to entering construction sites, and seeding (with a native seed mixture), mulching, and fertilizing of disturbed areas to reduce weed establishment and prevent erosion, will be implemented. All permits will be obtained prior to project construction. As such, no additional mitigation is proposed or warranted.

Coordination

Coordination with the general public was conducted via public meetings held in 2009 and 2010. A September 11, 2009 meeting and March 27, 2010 discussed funding for the proposed project. At that meeting, a district member expressed his dissatisfaction with the budget. A March 27, 2010 meeting discussed the Preliminary Engineering Report and alternatives for the proposed project. The County Water and Sewer District indicated general support for installation of new small diameter mains but did not support renovation of the storage tank. However, the Board determined that the tank should be included as a needed emergency source for fires and voted to include in the overall project. Coordination with Tribal interests was conducted via letters sent to The Confederated Salish and Kootenai Tribes of the Flathead Nation, the Blackfeet Tribe, and the Schitsu'umsh (Coeur d' Alene) Tribe. These Tribes stated in written correspondence that they either have no concerns or no comments because proposed improvements would occur within existing right of ways and outside traditional territory. Coordination with the resource agencies occurred as detailed in the Environmental Assessment. The proposed project would result in long-term social benefits and the adverse environmental effects are minor/short-term construction related. The minor impacts associated with this project would be well outweighed by the overall long-term benefits associated with an improved water distribution system.

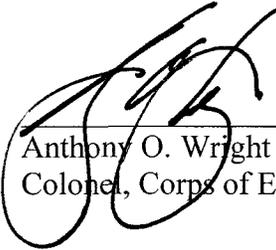
Conclusion

After evaluating the anticipated environmental, economic, and social effects of the proposed activity, it is my determination that construction of the proposed Essex Water Improvements

Project, Phase II does not constitute a major Federal action that would significantly affect the quality of the human environment. The proposed action has been coordinated with the appropriate resource agencies, and there are no significant unresolved issues. Therefore, preparation of an Environmental Impact Statement is not required.

3 FEBRUARY 2011
Date

District Commander


Anthony O. Wright
Colonel, Corps of Engineers

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers, Seattle District (Corps), in cooperation with the Non-Federal Sponsor, Essex County Water and Sewer District (District), propose to upgrade components of the Essex County Water and Sewer District's existing water distribution system under the authority of Section 595 of the Water Resources Development Act of 1999. The proposed water improvements project is located in the unincorporated limits of the Essex County Water and Sewer District. Essex is located in the northwestern part of the state, along Highway 2, in Flathead County, Montana. Essex is approximately 17 miles away from Glacier National Park. Essex lies within Sections 14 and 15, Township 29 North, and Range 16 West.

Selection of the preferred alternative was based upon multiple criteria, both monetary and non-monetary. The recommended plan includes the following: connection to the new ground water source drilled as part of Phase I of the project, replacement of all old transmission mains with new two-inch diameter HDPE pipe (following existing water line easements, existing roadway and utility easements, as well as obtaining new easements from private land owners), renovating the existing water storage tank, and installing water meters on all commercial users.

Coordination

Coordination with the general public was conducted via public meetings held in 2009 and 2010. A September 11, 2009 meeting discussed funding for the proposed project. At that meeting, a district member expressed his dissatisfaction with the budget. A March 27, 2010 meeting discussed the Preliminary Engineering Report and alternatives for the proposed project. The District indicated general support for installation of new small diameter mains but did not support renovation of the storage tank. However, the Board determined that the tank should be included as a needed emergency source for fires and voted to include in the overall project. Coordination with Tribal interests was conducted via letters sent to The Confederated Salish and Kootenai Tribes of the Flathead Nation, The Blackfeet Tribe, and the Schitsu'umsh (Coeur d' Alene) Tribe. These Tribes stated in letters or email that they have either no concerns or no comments because the proposed improvements would occur within existing right of ways and outside of traditional territory (Appendix II). Coordination with the resource agencies occurred as detailed in the Environmental Assessment. The proposed project would result in long-term social benefits and the adverse environmental effects are minor/short-term construction related. The minor impacts associated with this project would be well outweighed by the overall long-term benefits associated with an improved water distribution system.

Additional information concerning this project may be obtained from Mr. Matthew D. Vandenberg, Environmental Resources Specialist, PM-AC, U.S. Army Corps of Engineers, Omaha District by email at matthew.d.vandenberg@usace.army.mil or by telephone at 402- 995-2694.

**NEPA REVIEW
ENVIRONMENTAL ASSESSMENT
&
FINDING OF NO SIGNIFICANT IMPACT**

SECTION 595 of WRDA 99

**ESSEX WATER IMPROVEMENTS PROJECT, PHASE II
FLATHEAD COUNTY, MONTANA**

TABLE OF CONTENTS

FINDING OF NO SIGNIFICANT IMPACT

EXECUTIVE SUMMARY

TABLE OF CONTENTS

SECTION 1: INTRODUCTION

SECTION 2: AUTHORITY

SECTION 3: PROJECT LOCATION

SECTION 4: EXISTING CONDITION

SECTION 5: PURPOSE AND NEED FOR ACTION

SECTION 6: ALTERNATIVES CONSIDERED BUT NOT SELECTED

SECTION 7: RECOMMENDED ALTERNATIVES

SECTION 8: NATIONAL ENVIRONMENTAL POLICY ACT REVIEW

**SECTION 9: AFFECTED ENVIRONMENT and ENVIRONMENTAL
CONSEQUENCES**

**SECTION 10: SUMMARY OF ENVIRONMENTAL EFFECTS OF THE NON-
RECOMMENED PLANS**

SECTION 11: CUMULATIVE IMPACTS

SECTION 12: MITIGATION MEASURES

**SECTION 13: COMPLIANCE WITH ENVIRONMENTAL QUALITY STATUTES
Continued.....**

SECTION 14: CONCLUSION & RECOMMENDATION

SECTION 15: PREPARERS

APPENDICES

APPENDIX I – PROJECT MAPS

APPENDIX II – NEPA REVIEW

**Compliance of Preferred Alternative with Environmental Protection
Statutes and Other Environmental Requirements
Agency Coordination**

APPENDIX III – BEAR AVOIDANCE MEASURES

**NEPA REVIEW
ENVIRONMENTAL ASSESSMENT
&
FINDING OF NO SIGNIFICANT IMPACT**

SECTION 595 of WRDA 99

**ESSEX WATER IMPROVEMENTS PROJECT, PHASE II
FLATHEAD COUNTY, MONTANA**

Section 1: INTRODUCTION

This Environmental Assessment (EA) provides information that was developed during the National Environmental Policy Act (NEPA) public interest review of the proposed Section 595 water improvements project.

Section 2: AUTHORITY

The U.S. Army Corps of Engineers, Seattle District (Corps), is partnering with the Non-Federal Sponsor, Essex County Water and Sewer District (District), on its water system improvements project. Section 595 of the Water Resources Development Act of 1999 provides authority for Corps of Engineers participation.

Section 3: PROJECT LOCATION

The proposed water improvements project is located in the unincorporated limits of Essex County Water and Sewer District located in the northwestern part of the state, along U.S. Highway 2, in Flathead County, Montana. Essex lies near the southwest corner of Glacier National Park between the communities of West Glacier and East Glacier. Essex lies within Sections 14 and 15, Township 29 North, and Range 16 West.

Section 4: EXISTING CONDITION

The District's distribution system is approximately 100 years old. The distribution system is comprised of approximately 10,800 lineal feet of six-inch transmission main, a chlorination building, approximately 1,100 lineal feet of six-inch cast iron distribution main, approximately 1,300 lineal feet of two-inch polyethylene distribution main, and approximately 2,500 lineal feet of one-inch galvanized water mains.

The District's water supply is currently obtained from an unfiltered, untreated surface source, Essex Creek. Gas chlorine is injected into the raw water to provide treatment. Numerous deficiencies in the chlorine building were identified and they include the following: no standby equipment, no ventilation, no respiration equipment, no safety equipment, no leak detection equipment, and no protective equipment. The Montana Department of Environmental Quality stated that Essex must abandon the surface water supply or provide required treatment using both filtration and disinfection. To comply with the Department of Environmental Quality's mandate, the District decided to obtain a new ground water supply and subsequently in 2008 drilled a new ground water well.

The District's water storage facility is limited to a 100,000 gallon storage tank that is used primarily for fire suppression at the Izaak Walton Inn. Additional storage supply would be provided by a 220-foot deep well with a variable frequency drive electric pump motor for variable supply as system demands dictate. The current abundant ground water supply would provide enough water for peak use.

A recent evaluation of the system identified a number of other problems that need to be addressed. These problems include the following:

- Water mains that have no legal easements;
- Some water mains that are too small in diameter;
- Water mains that have too little cover and are susceptible to freezing;
- Excessive leakage occurs throughout the system;
- Users have no water meters which would allow monitoring of water use;
- Portions of the piping system do not meet American Water Works Association or National Science Foundation standards,
- No mapping of the current piping system exists; and
- A badly leaking storage system needs structural repairs, painting, and access (i.e., a ladder).

Section 5: PURPOSE & NEED FOR ACTION

The purpose of the Water Improvements Project, Phase II is to address deficiencies in aging equipment, provide overall health and safety for users in the District.

The need of the Water Improvements Project is to up-grade existing components which are likely to fail in the immediate future, address needed American Water Works Association and American National Standards Institute/National Science Foundation standards for water quality, meet Montana Department of Environmental Quality compliance standards.

Section 6: ALTERNATIVES CONSIDERED BUT NOT SELECTED

To address deficiencies with the water storage facility, the following alternatives were considered but not selected:

No Action. The No Action Alternative would leave the storage tank in its current condition: unpainted and leaking. Over time, the tank would likely increase leakage and cause damage to surrounding property or simply fail. Since the tank is the primary source of fire suppression for the Izaak Walton Inn, the inn would not have fire protection if the tank fails. The hotel is listed on the National Historical Register and is a significant tourist attraction in the District. Without adequate fire protection to this facility, the safety of guests at the inn would be compromised and the potential loss of a historical structure would be incurred.

Abandon the Storage Tank. Abandoning the storage tank would result in similar consequences as the No Action Alternative. Additionally, continued protection of the hotel as a user is a District responsibility. Abandoning the tank would create a breach of service with the hotel; therefore, this alternative is not a feasible alternative.

Construct a New Storage Tank. Under this alternative, the existing tank would be removed and a new storage tank would be constructed at an elevation sufficient to provide approximately 50

pounds per square inch of pressure, 1,000 gallons per minute flow for two hours for fire fighting, and 750 gallons per hour flow for three hours for sprinkler flow. The total volume of the tank would be 336,100 gallons. A new transmission main would be needed. This alternative was far more costly than the recommended plan.

To address deficiencies with water distribution, the following alternatives were considered but not selected:

No Action. The No Action Alternative would leave the distribution mains in their current condition undersized and leaking. Over time, the pipes would likely increase leakage, waste water, and fail to meet the needs of area users. If the pipes were no longer useable, replacement would be required and users would be without water until the replacement was completed. This would be an unacceptable condition to residents and likely result in health and safety concerns.

Install New Small Diameter Mains Following the Existing Mains. The existing water mains serving users east and west of the hotel were installed on private property without easements. Costs for replacing the water mains in this location are greater than the selected alternative, would cause significant ground disturbance and would require easements from owners of the 30+ lots in the Parma Addition. Obtaining a large number of easements would be a very time consuming, costly and difficult task to accomplish.

Install Large Diameter Mains. A new distribution system could be installed with a minimum main size of eight inch which would provide flows suitable for fire suppression. The cost of this alternative is much greater than the recommended alternative; and is only feasible with a new storage tank, which is also much greater than the renovation cost.

To address deficiencies with the water supply, the No Action Alternative was considered but not selected. The No Action Alternative would maintain current water supply. Currently, water is obtained from unfiltered, untreated surface water. This supply does not meet the Montana Department of Environmental Quality's Compliance Order, which requires Essex to abandon its surface supply by July 30, 2011 or treat its surface supply using both filtration and disinfection. Since the No Action Alternative would not comply with the Compliance Order, this alternative was dismissed from further consideration.

Section 7: RECOMMENDED ALTERNATIVE

The recommended plan includes the following: connection to the new ground water well drilled as part of Phase I of the project, replacement of all old transmission mains with new two-inch diameter HDPE pipe (following existing water line easements, existing roadway and utility easements, as well as obtaining new easements from private land owners), installation of meters for commercial users and renovating the existing water storage tank. The old mains will be abandoned and left in place.

More specifically, the recommended plan includes connection of the existing six inch transmission main near the Izaak Walton Inn and extension of a three inch poly new water main. The new three inch main would connect to the existing two inch poly water main. A new second water main, two inches in diameter, would connect south of the Annex and extend westerly to connect to the existing main and to place two service connections for the railroad. The existing two inch poly water main follows a narrowly defined easement along the public right-of-way and the BNSF railroad. Replacement of the existing water main would be conducted by directional drilling. A temporary

water service would be placed in the road access easement, which would allow a tracer wire to be placed in the existing water main. Once the tracer wire is installed, the exact location and depth of the main could be determined. The new water main would then be installed.

Service to the Parma Addition would be accomplished by installing a new main within the Parma Drive right-of-way. New services would be provided to the property lines for the existing users' connections. Additionally, the one-inch galvanized pipes west of the Izaak Walton Inn would be replaced with two-inch HDPE pipe. This main would service the users west of the hotel. The new main would follow the railroad right-of-way within private property.

The existing storage tank would be renovated by installing several support cross-braces, a new ladder with climbing cage, a catwalk access ladder to the top of the tank, and a platform and hatch. The interior of the tank would be coated. A leak in the bottom bowl of the tank would be repaired and the large diameter riser would be replaced with a small diameter insulated riser pipe.

Water meters and meter pits would be installed for all commercial users and residential users.

Section 8: NATIONAL ENVIRONMENTAL POLICY ACT REVIEW

Coordination with the general public was conducted via public meetings held in 2009 and 2010. A September 11, 2009 meeting discussed funding for the proposed project. At that meeting, a district member expressed his dissatisfaction with the budget. A March 27, 2010 meeting discussed the Preliminary Engineering Report and alternatives for the proposed project. The District of Essex indicated general support for installation of new small diameter mains but did not support renovation of the storage tank due to the costs and limited value to the District. However, the Board determined that the tank should be included as a needed emergency source for fires and voted to include in the overall project.

Coordination with Tribal interests was conducted via letters sent to The Confederated Salish and Kootenai Tribes of the Flathead Nation, The Blackfoot Tribe, and the Schitsu'umsh (Coeur d'Alene) Tribe. Both the Confederated Salish and Kootenai Tribes (in a letter dated December 4, 2009) and the Blackfoot Tribe (in a letter dated December 7, 2009) stated that they have no concerns since proposed improvements would be constructed within existing right of ways. The Schitsu'umsh Tribe expressed in an email dated December 9, 2009 that the project area lies outside of traditional territory and consequently, it has no comments (Appendix II). Coordination with the resource agencies occurred as detailed in the Environmental Assessment. The proposed project would result in long-term social benefits and the adverse environmental effects are minor/short-term construction related. The minor impacts associated with this project would be well outweighed by the overall long-term benefits associated with an improved water distribution system.

Section 9: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES:

A wide variety of resources along with the related environmental, economic and social effects were considered during the development and evaluation of project alternatives. These include: noise levels; air quality; water quality; vegetation; fish and wildlife; threatened and endangered species; wetlands; agricultural lands, geological resources; growth patterns; archaeological and historical resources; esthetics; health and safety; and environmental justice.

Primary resources of concern identified during the evaluation included: noise levels, air quality, water quality, fish and wildlife, threatened and endangered species, terrestrial vegetation, wetlands, riparian and aquatic vegetation; geologic resources, archeological and historical resources, and esthetics. The proposed project is not expected to affect any other resources.

Noise levels

This resource is institutionally important because of the Noise Control Act of 1972. The act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. A sound-level meter is used to measure noise and the outputs are “decibels.” For instance, a diesel truck at 50 feet produces a sound level of 85 decibels, a gas lawn mower at 3 feet produces a sound level of 95 decibels and normal speech at three feet is 65 decibels.

Recommended Plan

The recommended plan would result in minor short term construction related noise impacts. These impacts would result from the operation of heavy machinery during project construction. These noise levels would be in addition to those produced in this urban setting. No residences, businesses, churches, park areas or other areas sensitive to short-term increased noise levels were identified in the project area. There is a remote chance that the noise from project construction could disturb persons participating in outdoor activities on lands adjacent to the project area. Construction activities would be conducted during normal business hours; therefore, the activities would not be considered significant.

No Action

The “No Action” alternative would produce no noise as construction would not occur.

Air Quality

This resource is considered institutionally important because of the Clean Air Act (CAA) of 1963, as amended. Air quality is technically important because of the status of regional ambient air quality in relation to the National Ambient Air Quality Standards (NAAQS). It is publicly important because of the desire for clean air expressed by virtually all citizens.

In accordance with the CAA, the U.S. Environmental Protection Agency set National Ambient Air Quality Standards for pollutants considered harmful to the environment and public health. The six principal pollutants, also known as “criteria” pollutants, are: ozone, lead, particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide. The proposed project is not located in a non-attainment county for PM 10 (particulate matter less than 10 micrometers). Construction dust is a normal consequence of construction.

Recommended Plan

The recommended plan would result in minor short term construction related contributions to PM-10 and airborne dust. These contributions would result from the operation of heavy machinery, increases in dust in the project area during construction operations, and wind-blown particles stemming from stock-piled construction materials. This increase in PM-10 and dust levels would be in addition, but similar, to those produced by urban activity which occurs in the project area. There is a remote chance that the increase in PM-10 and dust levels from project construction could adversely

affect individuals sensitive to air-borne particles or persons with breathing disabilities. Techniques to minimize PM-10 particles and dust would be employed during construction activities. These techniques would include, but would not be limited to, wetting the construction area to minimize dust, avoiding idling of construction machinery when not performing needed tasks, and covering or mulching staging areas during or following construction activities. The temporary construction related impacts to air quality are not expected to be significant.

No Action

The “No Action” alternative would produce no increase in adverse air quality levels in the project area over that of existing conditions.

Water Quality

This resource is institutionally important because of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act). The objective of this act is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters by preventing point and non-point pollution sources, providing assistance to publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands. Water quality is technically important because of the need for a reliable drinking water supply, for swimming and recreating, for fish and shellfish consumption, for adequate agricultural supply, and for habitat for fish and wildlife. It is publicly important because of the desire for clean water expressed by virtually all citizens.

Surface Water

The nearest surface water is Essex Creek, which bisects the District and the Middle Fork of the Flathead River. The Middle Fork has been designated a wild and scenic river with an easement limiting development along the river. Essex Creek and the Middle Fork of the Flathead River have been classified as A-1 Closed Streams by the Montana Department of Environmental Quality. This classification requires that the waterways be maintained suitable for drinking, culinary, and food processing purposes after simple disinfection.

Recommended Plan

The recommended plan would have no construction related adverse impacts to Essex Creek or the Middle Fork of Flathead River. The plan will connect to the new well, reducing water withdrawal from Essex Creek except for emergency fire protection use. Water quality in these conveyances would likely improve due to the proposed project. The proposed project would prevent water quality standard violations and replace leaking water mains to preserve water resources. As such, the effects to surface water from the proposed project would be incrementally better than existing conditions.

No Action

The “No Action” alternative would have no impacts on surface water quality.

Floodplains

Flathead County Planning and Zoning administers the Flood Plain program in Flathead County. This entity was contacted about the location of flood plains in the District. It was reported that the area is outside the mapped zone. Therefore, flood plain influence is likely negligible.

Recommended Plan

The recommended plan would have no construction related adverse impacts to floodplains as the proposed installation of piping would follow existing pipe routes.

No Action

The “No Action” Alternative would have no construction related adverse impacts to floodplains.

Terrestrial Vegetation, Fisheries, and wildlife

These resources are institutionally important because of Section 906 of the Water Resources Development Act of 1986, and the Fish and Wildlife Coordination Act of 1958, as amended. Forests are technically important because they provide necessary habitat for a wide variety of species, they often provide a variety of wetland functions and values, are an important source of lumber and other commercial forest products, and provide various consumptive and non-consumptive recreational opportunities. Forests also are important because the general public highly values them for aesthetic, recreational, and commercial uses. Wildlife and fisheries are technically important because they are a critical element of many valuable terrestrial and aquatic habitats; provide indicators of the health of various terrestrial and aquatic habitats; and many of the species are important commercial resources. Wildlife and fisheries are publicly important because of the high priority that the public places on their aesthetic, recreational, and commercial value.

Terrestrial Vegetation

The planning area for the proposed project is the Essex County Water and Sewer District. Nearly all lands within the District limits are urbanized with lodge pole pines, lawns, shrubs, and shade trees. Grasses, snow berry, and mountain bush hardwoods predominate. In addition, aspen and poplar are present. Many of the developed lots have been selectively thinned to increase natural light. The Montana Natural Heritage Program listed no plants of concern in the project area.

Recommended Plan

Minor impacts to terrestrial vegetation would occur throughout the proposed project site during construction activities. All disturbed areas would be top-soiled and seeded with similar vegetation, and then mulched to prevent erosion and the establishment of weedy species. Thus, impacts to vegetation from the proposed project would not be considered significant.

No Action

The “No Action” alternative would not cause any impacts to vegetation as no construction would occur.

Fisheries and Wildlife

Fisheries in Montana consist of brown trout, mountain whitefish, rainbow trout, largescale sucker, longnose dace, longnose sucker, northern pike minnow, peamouth, pumpkinseed, redbside shiner, sculpin, kokanee, westslope cutthroat trout, largemouth bass, and yellow perch. Illegal fish

introductions include northern pike, brook stickleback, and central mud minnow, all which pose threats to the native fish populations. Areas adjacent to the proposed project area have extensive biological resources including elk, mule deer, white-tailed deer, moose, and mountain goats. Small mammals include beaver, muskrat, otter, mink, skunk, porcupine, weasel, and raccoon. Other predators include black bear, bobcat, lynx, coyote, wolf, fisher, pine marten, wolverine, and badger. Numerous passerines, waterfowl, and predatory birds (bald and golden eagle, red-tailed hawk, osprey, and several species of owl), and numerous amphibians also occur in the area.

Bald Eagle. The bald eagle was de-listed by the USFWS on August 9, 2007. Even though the bald eagle was delisted, it is still protected by the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act of 1940. Bald eagles are yearlong residents in the county, utilizing habitat along drainages for foraging purposes, and prefer nesting sites on the top of large, mature trees that are near lakes, rivers, and other water bodies trees for nesting and roosting. Dead trees are strongly preferred as daytime perches, with the tallest trees being utilized most often. Bald eagles feed primarily on crippled waterfowl and fish, but will take upland game birds, other birds, rodents, and carrion. Bald eagle also prefers areas with limited human activity and there are no known nests in the proposed project area.

Recommended Plan

The recommended plan would result in incremental benefits to fishery resources and minor, temporary, construction related adverse impacts to wildlife resources. The benefits to fishery resources would be related to the water quality benefits achieved through repair of leaking pipes resulting in water use conservation. The impacts to wildlife resources would be related to noise and visual disturbance during the construction activity. Because the construction would be temporary, impacts to wildlife would not be considered significant. There are no known nests in the area of the proposed project, thus, impacts to bald eagles would not likely occur. However, avoidance measures will be taken and construction activities will be minimized from February through May. The Montana Fish, Wildlife, and Parks, in a letter dated December 18, 2009, stated that they have “no comments” regarding the proposed project (Appendix II).

No Action

The “No Action” Alternative would have no adverse impacts on fish and wildlife resources.

Threatened and Endangered Species

These resources are institutionally important because of the Endangered Species Act of 1973, as amended. Endangered or threatened species are technically important because the status of such species provides an indication of the overall health of an ecosystem. These species are publicly important because of the desire of the public to protect them and their habitats.

Flathead County contains several unique listed species. These species include the threatened grizzly bear (*Ursus arctos horribilis*), the threatened Spalding’s catchfly (*Silene spaldingii*), the threatened Canada lynx (*Lynx canadensis*), the threatened bull trout (*Salvelinus confluentus*), and the endangered gray wolf (*Canis lupus*). Critical habitat also has been designated for the lynx and bull trout.

Recommended Plan

Since the proposed project would take place within the District of Essex along existing right-of-ways, the Corps has determined that that proposed project would not impact any Federally-listed threatened or endangered species or their habitat. The U.S. Fish and Wildlife Service (Service) normally does not respond to “no effect” determinations, unless they perceive an impact. An email from the Corps to the Service, dated October 21, 2010, informed the Service of the Corp’s “no effect” determination (Appendix II). The Service responded with a concurrence to the “no effect” determination in an email dated November 10, 2010. The Service also requested that construction workers adopt sanitation measures to avoid attracting bears to the site. A list of sanitation measures that will be taken is attached to this Environmental Assessment in Appendix III.

No Action

The “No Action” alternative would have no adverse effects on the Federally-listed threatened or endangered species or their designated habitat.

Wetlands, Riparian, and Aquatic Vegetation

These resources are institutionally important because of the Clean Water Act of 1977, as amended and Executive Order 11990 of 1977 (Protection of Wetlands). Wetlands and riparian areas are important because they provide habitat for various species of plants, fish, and wildlife; serve as ground water recharge areas; provide storage areas for storm and flood waters; serve as natural water filtration areas; provide protection from wave action, erosion, and storm damage; and provide various consumptive and non-consumptive recreational opportunities. Wetlands and riparian areas are publicly important because of the high value the public places on the functions and values that these habitats provide. No wetlands exist within the immediate project area.

Recommended Plan

A search of the National Wetlands Inventory Database web page did not reveal any mapped wetlands in the District boundaries. Additionally, no fill material would be placed either temporarily or permanently in a water of the United States. As such, the recommended plan would have no impacts on wetlands.

No Action

The “No Action” Alternative would result in no impacts to wetlands.

Geology

According to soils maps of the area, the predominant soil types within the project area are: Map Unit 26C-7: Andeptic Ctyoboralfs (silty till substratum on rolling topography – 42.3 acres), Map Unit 28-7: Dystric Eutrochrepts (outwash substratum – 22.7 acres), Map Unit 73: Andic Cryochrepts-Andeptic Cryoboralfs association (glacial trough walls – 22.6 acres), Map Unit 78: Ochrepts-Rock outcrop complex (southerly aspects – 20.7 acres), and Map Unit 26C-8: Andeptic Cryoboralfs (silty till substratum on hilly topography – 16.9 acres). These soil types are generally found at elevations between 3,000 and 5,500 feet and experience no frequent flooding or ponding.

Recommended Plan

The recommended plan would result in permanent construction related impacts to soils as a result of the proposed project. Earth-moving equipment would be used to dig, grade, trench, and

shape the soils during construction activities. Following construction activities, disturbed areas would be seeded with ornamental-type grasses and trees for easy maintenance. This, over time, would likely incrementally change the characteristics of the soils within the proposed project area. However, ground disturbing activities would be kept to a minimum. Because significant amounts of these soils occur throughout the project area and because the soils in the proposed project area have been disturbed in the past for construction of the existing water distribution system, impacts to soils would be considered minor and not significant.

No Action

The “No Action” Alternative would result in no impacts to native soils.

Archeological and Historical Resources

These resources are considered institutionally important because of the National Historic Preservation Act of 1966, as amended, and the Archaeological Resources Protection Act of 1979. Cultural resources are technically important because they are irreplaceable parts of the common heritage of humanity, preserve our invaluable heritage for the benefit of the future generations, and provide a greater understanding of our past. They are publicly important because they belong to all citizens and enhance our shared sense of humanity that enriches our existence.

Recommended Plan

Mr. Damon Murdo, Cultural Records Manager with the Montana State Historic Preservation Office (SHPO), conducted a cultural resource file search and determined a low likelihood that cultural resources would be impacted. In a letter dated December 7, 2009, he stated that a recommendation for a cultural resource inventory was unwarranted at this time (Appendix II). It was noted in Mr. Murdo’s letter that the Izaak Walton Inn is listed on the National Register of Historic Places; however, no adverse impacts to this structure would result from the proposed project. The old water supply mains will be abandoned and left in place. The SHPO feels that any structure/object that is over fifty years of age could be considered historic and may be eligible for listing on the National Register of Historic Places if it has some sort of significance associated with it. These types of water mains are very common all over Montana and are not unique. Because this project will be abandoning the main in place and there will likely be no further disturbance to it, there will be no impact to any significant historic properties. Implementation of the proposed project would provide increased water service and fire suppression to this structure in the event of a fire. Thus, implementation of the proposed project would provide benefits to this historical structure.

If in the unlikely event that archeological material is discovered during project construction, work in the area of discovery will cease. The discovery would be investigated by a qualified archeologist, and the find would be coordinated with the SHPO and the Tribes.

No Action

The “No Action” Alternative would result in no effects to archaeological or historical resources.

Esthetics

Recommended Plan

The recommended plan would result in minor and temporary adverse esthetic impacts associated with the construction activity. The human population that could potentially be affected by the activity

would be expected to be very low and restricted to the occasional individual passing by the project area. To minimize esthetic impacts, any disturbed area would be top-soiled, planted with vegetation, and mulched to minimize erosion and the establishment of non-native species following construction. As such, the impacts on esthetics would not be considered significant.

No Action

The “No Action” Alternative would result in no esthetic related impacts to the District.

Section 10: SUMMARY OF ENVIRONMENTAL EFFECTS OF THE NON RECOMMENDED PLANS

The alternatives considered but not selected have not been recommended because, although they would meet the project purpose and need, those alternatives were generally more expensive and in some cases, were less technically feasible. The alternatives considered but not selected had similar benefits/impacts on the environment as the recommended plan.

The “No Action” Alternative has not been recommended because it would not meet the project purpose and need of up-grading the existing components which are likely to fail in the immediate future. Additionally, the No Action Alternative would not meet the Department of Environmental Quality’s mandate for cessation of surface water use. The “No Action” alternative would have no permanent or temporary construction related impacts. Escalating maintenance costs associated with the repair of out-dated components would continue.

Section 11: CUMULATIVE IMPACTS

The combined incremental effects of human activity are referred to as cumulative impacts (40CFR 1508.7). While these incremental effects may be insignificant on their own, accumulated over time and from various sources, they can result in serious degradation to the environment. The cumulative impact analysis must consider past, present, and reasonably foreseeable actions in the study area. The analysis also must include consideration of actions outside of the Corps, to include other State and Federal agencies. As required by NEPA, the Corps has prepared the following assessment of cumulative impacts related to the alternatives being considered in this EA.

Historically, the town of Essex was created by the Great Northern Railroad in the early 1900’s as a construction camp for building the intercontinental rail line. The Great Northern Railroad built the water system to serve the homes of workers, maintenance facilities, and the Izaak Walton Hotel. These activities substantially affected the vegetative and wildlife resources and diminished the aquatic and terrestrial values in the area.

The town of Essex consists of vacation rentals, use of the Izaak Walton Hotel, and several full and part-time residences and staffing for continued railroad maintenance. Resources typically affected by this use generally include, but are not limited to, wetlands, forests, flood plain values, water quality, and fish and wildlife habitat. Tourism is beginning to dominate the area with its beautiful scenery and numerous activities. With tourism, more support for the protection of environmental resources is occurring.

Of the reasonably foreseeable projects and associated impacts that would be expected to occur, further urbanization of the area will probably have the greatest impact on the previously mentioned resources. The possibility of wetland conversion and the clearing of forests and riparian habitat are ever present, and these activities tend to further impact valuable resources.

The adverse effects associated with the proposed project are short term/minor associated with project construction. These minor adverse effects would be greatly offset by improving the out-dated components of Essex's water distribution system. The proposed project would contribute to growth in the area as the water system is improved.

Section 12: MITIGATION MEASURES

Best Management Practices, such as minimizing ground disturbance, washing off-road equipment prior to entering construction sites, and seeding (with a native seed mixture), mulching, and fertilizing of disturbed areas to reduce weed establishment and prevent erosion, will be implemented. Bear avoidance measures will be followed. All permits will be obtained prior to project construction. As such, no additional mitigation is proposed or warranted.

Section 13: COMPLIANCE WITH ENVIRONMENTAL QUALITY STATUTES

Compliance with Designated Environmental Quality Statutes that have not been specifically addressed earlier in this report is covered in Appendix II.

Section 14: CONCLUSION & RECOMMENDATION

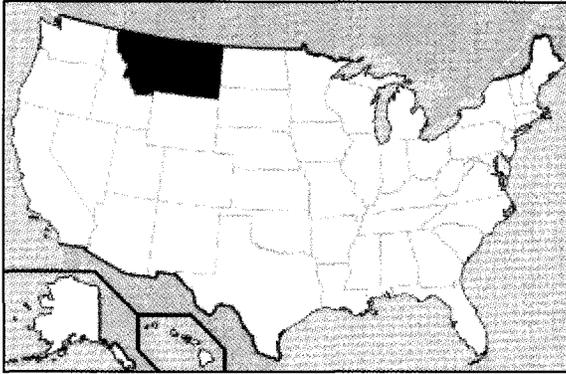
Based on the analysis of the proposed alternative, it is concluded that the recommended plan would best satisfy the project's purpose and need. The recommended plan would not result in any adverse impacts to threatened or endangered species. Consultation with the U.S. Fish and Wildlife Service (Service) was not required since no effects to threatened and endangered species were identified; however, the Service was notified of the Corps' "no effect" determination in an email dated October 21, 2010 (Appendix II). The Service concurred with the Corps' determination. The recommended plan would result in no adverse impacts to any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. Areas within the proposed project site would be temporarily disturbed by construction activity. The adverse effects associated with the proposed project are short term/minor and associated with project construction. These minor adverse effects would be greatly offset by improving the out-dated components of Essex's water system.

Based on coordination with the resource agencies, as documented in this EA, the Corps has made a preliminary determination that this project would have no significant impacts on the human environment including natural and cultural resources and Federally-listed threatened and endangered species; therefore, a Finding of No Significant Impact (FONSI) has been prepared.

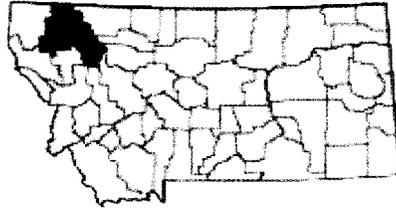
Section 15: PREPARER

This EA and the associated FONSI were prepared by Mr. Matthew D. Vandenberg (Environmental Resource Specialist). The address of the preparer is: U.S. Army Corps of Engineers, Omaha District; PM-AC, 1616 Capitol Avenue, Omaha, NE 68102.

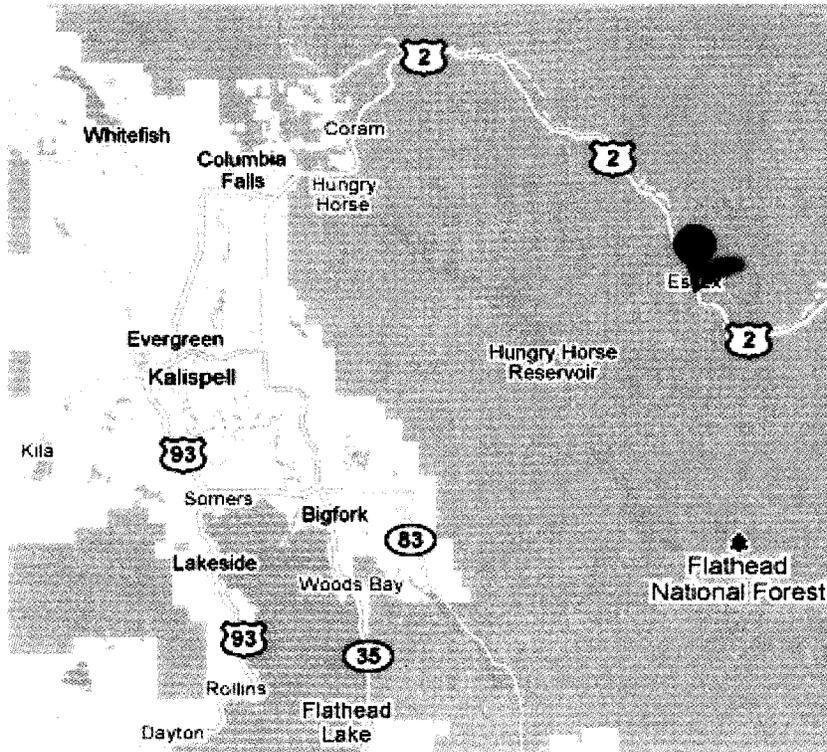
APPENDIX I – AREA MAPS



Montana



Flathead County



Google Maps

Location Map

APPENDIX II – NEPA REVIEW

Compliance of Preferred Alternative with Environmental Protection Statutes and Other Environmental Requirements

**SECTION 595 of WRDA 99
DISTRICT OF ESSEX
WATER AND SEWER SYSTEM
IMPROVEMENT PROJECT
ESSEX, FLATHEAD COUNTY, MONTANA**

November 2010

Compliance of Preferred Alternative with Environmental Protection Statutes and Other Environmental Requirements

Bald and Golden Eagle Protection Act, 16 U.S.C. Sec. 668, 668 note, 669a-668d. *In compliance.*

This Act prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions for the scientific or exhibition purposes, for religious purposes of Indian tribes, or for the protection of wildlife, agriculture or preservation of the species. The Corps has, and will continue, to coordinate with the USFWS and the appropriate state agency to avoid taking the species during construction activities, and will follow the USFWS's guidelines regarding eagle nests. However, there are no known nests in the proposed project area and no impacts to bald eagles are expected as a result of the proposed project.

Clean Air Act, as amended, 42 U.S.C. 185711-7. et seq. *In compliance.* The purpose of this Act is to protect public health and welfare by the control of air pollution at its source. Some temporary emission releases are expected during construction activities; however, air quality is not expected to be impacted to any measurable degree.

Clean Water Act, as amended. (Federal Water Pollution Control Act) 33 U.S.C. 1251, et seq. *In compliance.* The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 U.S.C. 1251). The Corps regulates the discharges of dredge or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act. This permitting authority applies to all waters of the U.S., including navigable waters and wetlands. The selection of disposal sites for dredged or fill material is done in accordance with Section 404(b)(1) guidelines, which were developed by the U.S. Environmental Protection Agency (EPA) (see 40 CFR Part 230). General permits are a type of authorization that is issued on a nationwide or regional basis for a category of activities. Activities that are authorized under general permits must be substantially similar in nature and cause only minimal individual or cumulative adverse affects on the aquatic environment. Nationwide permits are a type of general permit that authorize certain specified activities nationwide that have been authorized after meeting requirements of NEPA and extensive coordination with the EPA and other federal agencies. No work from this proposed project will occur in waters of the U.S.

Endangered Species Act, as amended. 16 U.S.C. 1531, et seq. *In compliance.* Section 7 (16 U.S.C. 1536) states that all Federal agencies shall, in consultation with the Secretary of the Interior, ensure that any action authorized, funded, or otherwise carried out by them does not jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of critical habitat. The USFWS in Helena, Montana was coordinated with concerning the Corps determination that the proposed project would have no impact on listed species (See attached email). The Service responded in an email dated November 10, 2010 concurring with the Corps "no effect" determination.

Environmental Justice (E.O. 12898). *In compliance.* Federal agencies shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. The project does not disproportionately impact minority or low-income populations.

Farmland Protection Policy Act, 7 U.S.C. 4201. Et seq. *In compliance.* Farmland would not be affected by the proposed project.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), et seq. *Not Applicable.*

The Act establishes the policy that consideration be given to the opportunities for outdoor recreation and fish and wildlife enhancement in the investigating and planning of any Federal navigation, flood control, reclamation, hydroelectric, or multi-purpose water resource project, whenever any such project can reasonably serve either or both purposes consistently. No coordinated use with existing or planned Federal, state or local public recreation development was considered when this water system was originally constructed, and improvements will not increase or decrease any recreational use.

Fish and Wildlife Coordination Act. 16 U.S.C., 661 et seq. *In compliance.* The FWCA requires governmental agencies, including the Corps, to coordinate activities so that adverse affects of fish and wildlife will be minimized when water bodies are proposed for modification. No water bodies will be modified as part of this project.

Flood Plain Management (E.O. 11988) 42 CFR 26951. *In compliance.* The purpose of this Order is that each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. The improvements would be placed within the original footprint of the existing project, so no additional encroachment within the flood plain would occur.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) as amended. *In compliance.* The Migratory Bird Treaty Act (MBTA) of 1918 is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possessing, transporting, and importing of migratory birds, their eggs, parts, and nests. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Executive Order 13186 (2001) directs executive agencies to take certain actions to implement the Act. The proposed project would be constructed within the existing confines of the water system. Thus, no impacts to migratory birds are expected.

National Historic Preservation Act, as amended, 16 U.S.C. 470a, et seq. *In compliance.* Federal agencies having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. Mr. Damon Murdo, Cultural Records Manager with the Montana State Historic Preservation Office, conducted a cultural resource file search and determined a low likelihood that cultural resources would be impacted. In an letter dated December 7, 2009, he stated that a recommendation for a cultural resource inventory was unwarranted at this time (See attached). The potential for recovering cultural resources in an undisturbed context is extremely low. Caution will be exercised during all phases of work in order to minimize any disturbance to deeply buried cultural resources. The contractor will be explicitly warned about this possibility and instructed that if any resources are found, he or she shall stop work and contact the Corps immediately. The proposed project would provided safety assurances (fire fighting flows) for the Izaak Walton Hotel.

National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321, et seq. *In compliance.* This Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) have been prepared for the proposed action. An Environmental Impact Statement (EIS) is not required.

Noise Control Act of 1972, 42 U.S.C. Sec. 4901 to 4918. *In compliance.* This Act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. Federal agencies are required to limit noise emissions to within compliance levels. Noise emission levels at the project site will temporarily increase above current levels due to construction; however, appropriate measures will be taken to keep the noise level within compliance levels (e.g., performing construction during daylight hours, avoiding idling of machinery when not in use, etc.). No long-term noise over existing conditions will result following project construction.

Rivers and Harbors Act, 33 U.S.C. 401, et seq. *Not Applicable.* A Section 10 Permit is not required for this project. Section 10 permits are required for actions affecting navigation on rivers officially declared by the Division Engineer as commercially navigable. In the state of Montana, only three rivers have officially been declared as jurisdictional waterways under Section 10 of the Rivers and Harbors Act. These rivers are the Kootenai River, the Missouri River, and the Yellowstone River. No work is proposed within these waterways.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, et seq. *Not applicable.* The area in which the proposed construction activity would occur is not designated as a wild or scenic river, nor is it on the National Inventory of Rivers potentially eligible for inclusion.

Vandenberg, Matthew D NWC

From: Robert_M_Lee@fws.gov
Sent: Wednesday, November 10, 2010 1:47 PM
To: Vandenberg, Matthew D NWC
Cc: Tim_Bodurtha@fws.gov; Mark_Wilson@fws.gov
Subject: Essex water improvements

Matt,

This is in response to your EA that covers the Essex Water Improvements Project, Phase II. We reviewed the EA and agree with your determination of "no effect" to any threatened or endangered species. This is due partially to the fact that the project is for improvements to infrastructure within the existing footprint.

There is one recommendation that we can make. Even though this project itself won't affect grizzly bears, the workers should adopt sanitation measures to prevent possibly attracting bears to the site. These sanitation measures are good practices for any project within the range of grizzly bears.

If there is any additional information I can provide, please don't hesitate to contact me.

Bob

Robert M. Lee, III
US Fish & Wildlife Service
782 Creston Hatchery Road
Kalispell, MT 59901
406-758-6879
Robert_M_Lee@fws.gov

Vanderberg, Matthew D NWO

From: Vanderberg, Matthew D NWO
Sent: Thursday, October 21, 2010 8:58 AM
To: Mark_Wilson@fws.gov; Doug_Peterson@fws.gov
Subject: Section 595 Essex Flathead County Montana
Attachments: Essex EAUPDATED.doc

The Corps is preparing an Environmental Assessment for a Section 595 project in Essex, Flathead County, Montana. The purpose of the project is to replace existing underground iron and galvanized water mains with new HDPE pipe (following existing Rights-of-way) and renovate an existing storage tank (painting and welding).

Flathead County contains the following listed species: grizzly bear (*Ursus arctos horribilis*), spalding catchfly (*Silene spaldingii*), Canada lynx (*Lynx Canadensis*), bull trout (*Salvelinus confluentus*), and gray wolf (*Canis lupus*).

Since the proposed project will follow existing rights-of-way and the project area is confined to the unincorporated community of Essex, the Corps has determined that the proposed project would not affect the above-mentioned listed species. Please respond as appropriate to our determination.

I have also included a DRAFT EA describing the project for your use. Please note that the YELLOW HIGHLIGHTS are merely place-holders at this time. Thanks for your cooperation,

Matthew D. Vanderberg
Environmental Resources Specialist
Corps of Engineers, Omaha District
1616 Capitol Avenue
Omaha, Nebraska 68102-4901
Phone: (402) 995-2694
Fax: (402) 995-2697



**Montana Fish,
Wildlife & Parks**

Region One
490 N. Meridian Road
Kalispell, MT 59901-3854
Phone: (406) 752-5501
Fax: (406) 257-0349
December 18, 2009

Michael Fraser
Fraser Management &
Consulting, PPLC
690 N Meridian Ste 103
Kalispell MT 59901

To Whom It May Concern:

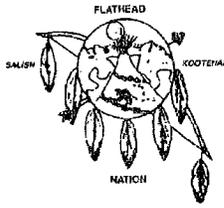
Montana Fish, Wildlife & Parks has the following no comment regarding Essex County
Water and Sewer District-Water Improvements.

Sincerely,

Christina Caze
For Leo Rosenthal
Fisheries Biologist

Sincerely,

John Vore
John Vore
Wildlife Biologist



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



A Confederation of the Salish,
Upper Pend d'Oreilles
and Kootenai Tribes

December 4, 2009

TRIBAL COUNCIL MEMBERS:

James Steele Jr. – Chairman
E. T. "Bud" Moran – Vice Chair
Steve Lozar – Secretary
Jim Malatare – Treasurer
Joe Durglo
Carole Lankford
Michele Kenmille
Reuben A. Mathias
Charles L. Morigeau
Terry L. Pitts

Michael W. Fraser
Fraser Management and Consulting, PLLC
690 North Meridian, Suite 103
Kalispell, MT. 59901

Re: Essex County and Sewer District-Water Improvements

Dear Mr. Fraser,

Thank you for the opportunity to review the Essex County Water and Sewer District's plans for a new well and replacing the 100 year old distribution system and connecting the existing users to the new distribution and installing water meters. Your letter states that the proposed improvements will be constructed within existing right of ways that are currently being used for streets and other utilities. If this is the case there is minimal likelihood that cultural resources will be impacted. Therefore the Confederated Salish and Kootenai Tribes (CSKT) have no concerns with this project proceeding.

We appreciate the concern for water service and fire suppression at the Historic Izaak Walton Inn. This is priceless historic landmark.

The Essex area is part of the Confederated Salish and Kootenai aboriginal territory and we are always interested in any projects that may impact cultural resources. If by chance any cultural resources are discovered during the construction of this project or you wish to discuss this project further please contact Marcia Pablo at 406-675-2700 extension 1077.

Sincerely,

Marcia Pablo, Director
Tribal Historic Preservation Officer

Blackfeet Tribal Historic Preservation Office
Blackfeet Tribe

P.O. Box 850
Browning, Montana 59417

=====

December 7, 2009

Michael W. Frasier, PE
Frasier Management & Consulting, PLLC
690 North Meridian, Suite 103
Kalispell, MT 59901

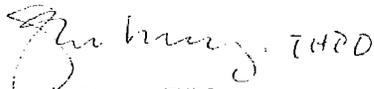
Re: Essex County Water & Sewer District-Water Improvements

Dear Mile:

As per the above described project, the Blackfeet THPO has reviewed the projects maps and has determined the project will be conducted in previous-disturbed streets and other utility areas. Consequently, the Blackfeet THPO will not be requesting consultation.

In the event of an inadvertent discovery of human remains or other significant cultural artifact, please contact this office at (406) 338-7522.

Thank you,


John Murray, THPO

Mike Fraser

From: "Jill Wagner" <jwagner@cdatribe-nsn.gov>
To: <mfraser@montanasky.net>
Cc: "Quanah Matheson" <qmatheson@cdatribe-nsn.gov>
Sent: Wednesday, December 09, 2009 4:19 PM
Subject: Essex County Water and Sewer District – Water Improvements

Mr. Fraser,

The Schitsu'umsh (Coeur d'Alene) THPO and Cultural Resource Management staff appreciate the opportunity to comment on the above named project.

The project area lies outside the traditional territory and we have no information about the resources in that would affect the planning process for this project.

Sincerely,

Jill Maria Wagner, Ph.D.
Tribal Historic Preservation Officer
Cultural Resources Program
Coeur d'Alene Tribe
P.O. Box 408 / 850 A Street
Plummer, ID 83854
(208) 686-1572
jwagner@cdatribe-nsn.gov

CONFIDENTIALITY NOTICE:

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.426 / Virus Database: 270.14.102/2556 - Release Date: 12/10/09 07:36:00

12/10/2009



Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center

December 7, 2009

Michael W. Fraser
Fraser Management & Consulting
690 North Meridian, Suite 103
Kalispell MT 59901

RE: ESSEX COUNTY WATER & SEWER DISTRICT. SHPO Project #: 2009120307

Dear Mr. Fraser:

I have conducted a cultural resource file search for the above-cited project located in Section 14, T29N R16W. According to our records there has been one previously recorded site within the designated search locale. Site 24FH0233 is the historic Izaak Walton Inn, which is listed on the National Register of Historic Places. In addition to the site there have been a few previously conducted cultural resource inventories done in the area. If you would like any further information regarding the site or reports you may contact me at the number listed below.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old we would recommend that they be recorded and a determination of their eligibility be made.

As long as there will be no disturbance or alteration to any structures over fifty years of age, including any work done on the Izaak Walton Inn, we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: DEQ: AIR&WATER WASTE MNG/2009

225 North Roberts Street
P. O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org

----- Original Message -----

From: "Murdo, Damon" <dmurdo@mt.gov>
To: <mfraser@montanasky.net>
Sent: Friday, January 21, 2011 8:48 AM
Subject: RE: Essex Water Improvements- Phase II

Mike,

The SHPO feels that any structure/object that is over fifty years of age could be considered historic and may be eligible for listing on the National Register of Historic Places if it has some sort of significance associated with it. These types of water mains are very common all over Montana and are not unique. Because this project will be abandoning the main in place and there will likely be no further disturbance to it we feel there will be no impact to any significant historic properties.

Please let me know if you need anything else.

Damon

Damon Murdo
Cultural Records Manager
State Historic Preservation Office
1410 Eighth Avenue
Helena MT 59620-1202
(406) 444-7767
www.montanahistoricalandsociety.org/shpo

-----Original Message-----

From: Murdo, Damon
Sent: Thursday, January 13, 2011 4:02 PM
To: 'Soule, Lester E NWS'
Cc: 'mfraser@montanasky.net'
Subject: RE: Essex Water Improvements- Phase II

Lester,

I would see no reason to have it formally recorded. It can probably be abandoned in place.

Damon Murdo
Cultural Records Manager
State Historic Preservation Office
1410 Eighth Avenue
Helena MT 59620-1202
(406) 444-7767
www.montanahistoricalandsociety.org/shpo

-----Original Message-----

From: Soule, Lester E NWS [<mailto:Lester.E.Soule@usace.army.mil>]
Sent: Wednesday, January 12, 2011 1:52 PM
To: Murdo, Damon
Subject: FW: Essex Water Improvements- Phase II

The question is, does the water supply main have historic value and need to be documented or protected in any manner to be covered by the National Historic Preservation Act?

Lester Soule

-----Original Message-----

From: Mike Fraser [<mailto:mfraser@montanasky.net>]
Sent: Wednesday, January 12, 2011 9:39 AM
To: mbauler@mt.gov
Cc: Soule, Lester E NWS; Tod O'Connell
Subject: Essex Water Improvements- Phase II

Essex County Water and Sewer District is completing the planning for the replacement of an old distribution system. A portion of the system will remain in use for fire suppression water supply. Other portions will be abandoned in place.

The supply main which will remain in service for fire water supply is 6 inch cast inch and was installed 60 to 70 years ago. This main will remain in service to supply water to a storage tank used for fire suppression storage. Should the District document or provide any protection for this water main?

Distribution water mains are 1 inch galvanized pipe and will after the installation of new polyethylene water mains be abandoned in place. Should the District take any action to document the location, age, service or other features for historical preservation purposes?

Sincerely;

Micahel Fraser

LEGAL NOTICES

No. 15799

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Directors of the Essex County Water and Sewer District, Flathead County, Montana, will meet on February 27 at 10:00 AM MST at the Signal Room 290, Izaak Walton Inn Road, Essex, Montana, for the purpose of holding a public hearing on establishing rates and charges for the District and Rules and Regulations.

The District Board of Directors anticipates that the new charge rates will be a flat rate of \$340.00 per year for residential users, \$405 per year for the BNSF and \$7,175 per year for the Izaak Walton Inn, including the Annex. Charges for service invoiced and collected yearly. The yearly rate will be for all use from January 1 to December 31 of each year.

Rules and Regulations will be adopted which will establish procedures for operation of the District.

All persons interested may appear and be heard at said time and place or submit written testimony postmarked no later than February 24, 2010. All written testimony will be read into the record.

By Order of the Board of Directors of the Essex County Water and Sewer District this the 27th day of January, 2010.

By: Tod O'Connell
Its Secretary

Feb. 14, 21, 2010



DOROTHY I. GLENCROSS
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, Montana
My Commission Expires
September 11 2013

Subscribed and sworn to
Before me this February 22, 2010

[Signature]

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/11/2013

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

RICHELLE ROONEY BEING DULY SWORN, DEPOSES AND SAYS: THAT HE IS THE LEGAL CLERK OF THE DAILY INTER LAKE A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT NO. 15799

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF Feb. 14, 21, 2010

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

[Signature]

PUBLIC NOTICE

The Essex County Water and Sewer District will hold a public meeting on March 27, 2010 in the Signal Room of the Annex to the Izaak Walton Inn, Essex Montana, at 10:00 AM. MDT. At the public meeting the preliminary findings of the Preliminary Engineering Report evaluating alternatives for replacing the water distribution and maintaining storage for fire flow will be presented.

Alternatives and estimates of construction cost will be discussed as well as possible methods of payment.

The District has received a grant of \$490,000 for this work and will be discussing the alternatives for the 25% matching funds at the meeting.

By: Tod O'Connell
Secretary

Published: March 11 & 18

Essex Water and Sewer Board

PO Box 643
Essex MT 59916

September 18, 2009

To: Essex Water District members
Re: Status of Phase I

A meeting was held on September 11, 2009 to pass a special assessment resolution necessary to get up \$260,000 of funding from a bond. **A protest meeting is scheduled for 7:00pm on Friday, October 16, 2009.** A copy of the special assessment is attached. This assessment document was sent to all district members before the September 11, 2009 meeting. If protests are received from home-owners and commercial property owners exceeding 50% of the taxable value of the total district property, we're told then the assessment would have to be recalculated and the process (notices, etc.) restarted. This could cause a problem with the Stipulation agreed to with DEQ and ordered by the court. If this assessment passes, the funding will proceed and the assessment will be imposed on the tax rolls next year. This will require a 1 year reserve of about \$18,720, which has been budgeted.

At the meeting a district member indicated his dissatisfaction with the budget and with the efforts of the board. He said he will send a letter to all district members requesting they protest the assessment because it is not sufficient to do the work required. He feels his questions haven't been answered. The district member has previously contacted the engineer at RPA to express dissatisfaction with the plan.

This letter will attempt to answer the questions raised at the meeting and via e-mail. As previously noted in letters to the district members, the board cannot respond promptly to all questions but will respond as soon as they can. This is because of personal time constraints, illness, work and family matters. We recognize that this is frustrating for all of us but it is the best we can do for now. Because of the cost involved we have requested that the engineers not take calls from district members but rather direct those calls to board members even though we may not be able to respond promptly.

The budget/financing at this time is as follows:

| <u>Income</u> | <u>Approximate \$</u> |
|------------------------------------|-----------------------|
| Cash in bank..... | \$4,000 |
| TSEP available..... | \$100,000 |
| MT Community Foundation..... | \$59,000 |
| Future assessment..... | \$260,000 |
| Izaak Walton Inn contribution..... | <u>\$30,000</u> |
| Total..... | \$453,000 |

Estimated future expenses

| | |
|----------------------------------|-----------|
| Construction - Phase I..... | \$200,000 |
| Engineering..... | \$54,000 |
| PER for project..... | \$23,000 |
| Chambers Drilling..... | \$3,000 |
| NCI lawsuit & attorney fees..... | \$55,000 |

137250

To respond more directly to the members questions, the engineer and board consultant feel 1) the cost of connecting the well to the main pipe at the hotel by either boring or open cut will be covered in the \$200,000 estimate; 2) the crossing of Mountain Acres 3" line in two places (and other probable gas and electric lines) are adequately provided for in the plan and we shouldn't be charged for an extra if they are encountered in construction. Money required to operate the system the first year is an estimate of \$15,000; a manual transfer switch was included in the plan but now that we have an estimate of the size of portable generator from which we are switching to a stand-by generator included in the estimate above. Two engineers have been hired because one is for construction and the other is a consultant to advise us on financing, government dealings (DEQ, etc.) and other construction elements including water rights, testing, compliance, grant application, new Preliminary Engineering Report, water line location, etc. The members of the board felt we needed both because of our lack of knowledge and experience in these areas. And yes, it is expensive.

The member raised the issue of the frozen water lines in the winter and whether those affected would have to pay less until that was fixed. As it currently stands now those individuals would have to pay the same rate as all others. If there is money left over we intend to run new pipes 6' under the road as soon as possible.

Another item brought up at the meeting was the issue of multiple houses on a property. The board decided that each house would be charged a separate fee. For example, if two houses were located on a property they would be charged \$462.32 for Phase I construction ($\$213.16 \times 2$). The same method would likely be used for operating costs if houses are not metered.

Special note to all water district members who do not have a house on their property or who might build in the future:

You have the option of electing now to be charged the full construction assessment rate, estimated to be \$231.16 per year for 20 years. After the assessment is imposed, if you want water you will have to pay the entire amount (approximately \$4,632.00) up front to connect to the water system. You will not be able to avoid this charge by digging a well. This is the same way other districts handle this issue, I'm told.

Additionally, the board has decided to pay board members or others, effective in August 2009, for administrative and maintenance work they performed. To be paid, the board must deem the work necessary and a detailed time and work description must be submitted by the payee and approved by the board. It is possible some may not want to request payment. Board members will not be paid for board meetings. The rate for board members will be \$22.00 per hour; others will be paid at a negotiated rate. Mileages will be reimbursed at the IRS rate. This is necessitated because of the increased hours for running this project and the lawsuit with NCI engineering. We expect the hours to be reduce after Phase I is completed. We also expect to hire someone in the future to do much of the ongoing administrative work. **All members should note the next scheduled meeting is the protest meeting at 7:00pm on Friday, October 16, 2009.** Other meetings will be scheduled as necessary. Meeting notices are mailed to all members and are posted at the Half Way Café and the Izaak Walton Inn notice boards.

Please direct questions to the board members listed below. We will attempt to respond as soon as we can.

Board members:

| | | |
|---------------------------|----------|-------------------------|
| Carol Sauby, President | 888-5147 | |
| Tod O'Connell, Secretary | 888-9067 | todotter@gmail.com |
| John Hammett, Member | 755-5737 | |
| Kenneth Johnson, Member | 888-5673 | |
| Dorothy VanGeison, Member | 888-5700 | stay@izaakwaltoninn.com |

As mentioned in the last public meeting, openings are available on the Board. Any interested parties may contact Tod O'Connell.

Thank you,

Tod O'Connell, Secretary
Essex Water and Sewer Board

Cc: Ryan Mitchell, RPA Robert Peccia & Associates
Mike Fraser, Fraser Management & Consulting

Attachment: Exhibit B, Essex Water and Sewer District, Water Improvements Phase I,
Special Assessment Estimates

APPENDIX III

Bear Avoidance Measures

**SECTION 595 of WRDA 99
DISTRICT OF ESSEX
WATER AND SEWER SYSTEM
IMPROVEMENT PROJECT
ESSEX, FLATHEAD COUNTY, MONTANA**

November 2010

Bear Avoidance Measures

Camp setup

- First: be aware of your surroundings – look at them from a bear’s perspective. Investigate your site before setting up camp and then establish a clean camp that is free from odors.
- Avoid camping next to trails or streams as bears and other wildlife use these as travel routes.
- Avoid camping near natural bear food sources such as berries.
- Never camp near an animal carcass, garbage, or bear sign such as tracks, scat, or tree scratchings.
- Remember the 100 yard rule: locate your cook area and food cache at least 100 yards downwind from your tent.
- Pitch tents facing your cook area in case a bear enters camp from that direction. Arrange tents so that a bear has a clear escape route out of camp.

Food storage

- Never leave food unattended in your campsite, unless it is properly stored.
- Do not bring food or odorous non-food items into your tent. This includes chocolate, candy, wrappers, toothpaste, perfume, deodorant, feminine hygiene products, insect repellent, and lip balm.
- Avoid canned foods with strong odors such as tuna.
- Place food in bear-resistant storage containers or store it in your vehicle.
- Where this is not possible, cache your food by placing it inside several layers of sealed plastic bags (to reduce odor) and a stuff-sac (waterproof ‘dry-bags’ work well). Then hang it as described below.
- Find two trees that are 20 feet apart and hang the bags between them using nylon cord and a karabiner. Bags must be at least 15 feet from the ground. Some campgrounds provide communal bear wires for this purpose.
- If two trees are not available, sling your bags over the branch of one tree. Bags must be at least fifteen feet from the ground, five feet out from the tree trunk, and five feet below any branch that can support a bear's weight.
- Don’t forget! When caching your food and garbage you’ll need: 100 feet of strong nylon accessory cord (1/8 inch minimum) and a karabiner to attach bags to cord.
- Remember to hang pots, utensils, cosmetics, used feminine hygiene products, toiletries, and any other odorous items with your food and garbage.
- Another option is a portable bear resistant food container (BRFC). These can be borrowed from some National Park and Forest Service offices, or purchased at outdoor recreation stores.
- Livestock feed should be stored in the same way as human food.

Cooking

- Locate your cooking area at least 100 yards downwind from your tent.
- Never cook or eat in your tent. Food smells may attract bears and other wildlife.
- Avoid cooking greasy or odorous foods.
- Wash all dishes and cans immediately after eating. Wash the dishes and dump the dishwater at least 100 yards from your campsite.
- If possible, remove the clothing you wore while cooking before going to sleep. Store these clothes in your vehicle or with your food and garbage (see above).

Garbage disposal/storage

- Never leave garbage unattended, unless it is properly stored.
- Do not bury your garbage. Animals will easily dig it up.
- Garbage should be deposited in bear-resistant garbage cans or stored in your vehicle until it can be dumped.
- Where this is not possible, hang garbage in the same way as food (see above).
- Remember: “pack it in, pack it out”. This includes ALL garbage (including biodegradable items such as fruit peel)

Hiking and horse packing

- Think ahead and be prepared. It is possible to avoid a bear confrontation by being knowledgeable and alert.
- Travel in a group and during daylight hours.
- Talk or sing songs as you walk, especially in dense brush where visibility is limited, near running water, or when the wind is in your face. Bears may feel threatened if surprised. Your voice will help a bear to identify you as human. If a bear hears you coming, it will usually avoid you.
- Learn about and watch for bear sign. Overturned rocks or broken-up, rotten logs can be a sign that a bear has been foraging for grubs or insects. Claw marks on trees, scats, tracks in the dirt or snow, berries on the ground, plant root diggings, or fur on the bark of trees are all signs that a bear has been in the area.
- Stay away from abundant food sources and dead animals. Bears may be foraging in the area or protecting a carcass.
- Avoid wearing scented cosmetics and hair products.
- Keep dogs on a leash and under control. Dogs may fight with bears and lead them back to you.
- Never approach or feed a bear, or any other wildlife.

Consider carrying a bear pepper spray as a bear deterrent. It may help in an encounter with a potentially aggressive bear.