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Distribution list / EA cover letter: May 14th, 2008

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Sunny and Barney Carnagey, 39886 Berenda Rd. Temecula, CA 92591
Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Trout Unlimited, P.O. Box 7186, Missoula, MT 59807
Charlene Gentry, U.S. Forest Service, Pintler Ranger District, 88 Business Loop, Philipsburg, MT 59858
U.S. Army Corps of Engineers, 10 West 15th St., Suite 2200, Helena, MT 59626
Mark Wilson, U.S. Fish and Wildlife Service, MT Field Office, 585 Shepard Way • Helena, MT 59601

Ladies and Gentlemen:

The enclosed Finding of No Significant Impact / Decision Notice have been prepared for the East Fork Siphon Replacement Project. Please contact James P. Domino at (406) 444-6622 (e-mail jdomino@mt.gov) should you have any questions about the Finding of No Significant Impact / Decision Notice or the Final EA. Copies of the Final EA are available upon request. The Final EA can also be viewed on the DNRC website at www.dnrc.mt.gov. Thank you.

Sincerely,

John Tubbs
Water Resources Division Administrator

FINDING OF NO SIGNIFICANT IMPACT/
NOTICE OF DECISION
May 14th 2008

Dear Reader:

The Montana DNRC released a draft Environmental Assessment (EA) on April 8, 2008 on the East Fork Siphon Replacement Project. The Flint Creek Water Project, located in Granite County, was completed in 1938. A main component of the Project, the East Fork Siphon conveys water from the 16,040 acre-feet East Fork Reservoir to a forty-mile network of irrigation canals. The 64 year-old siphon is slowly deteriorating from corrosion. It is composed of a 54-inch diameter steel pipe (1/4" thick), measuring 4056-feet in length with a design capacity of 200 cfs. The project irrigates most of the upper and lower Philipsburg Valley. The siphon is located in Granite County, Township 5N, Range 5W, SW ¼ Section 25 (private land), NW ¼ Section 36 (State School Trust Land Section), approximately 10 miles southwest of Philipsburg. The DNRC has a permanent easement for the operation, maintenance and repair of the project. In the last four years, the siphon has been shutdown several times in order to repair nine holes, two cracks, and one concrete pipe-anchor. The siphon now risks total structural failure due to its age and progressive deterioration and needs to be replaced. The proposed action involves the replacement of the existing siphon with a similar structure. The old siphon would be excavated, removed and disposed of off-site at an appropriate facility. A new siphon of similar design and capacity would then be installed in the same location.

The public comment period closed on Wednesday, May 7, 2008. Three agency and one public comment was received, from the Montana Department of Fish, Wildlife and Parks (DFWP), U.S. Forest Service (USFS), Granite County and one of the private landowners where the siphon is located, respectively. These comments are similar in content and have been catagorized as follows:

1. Dam and Reservoir Operations

   Concerns were expressed on impacts to bull trout from reservoir and dam operations, specifically mentioning low in-stream flows due to irrigation diversions, lack of winter water releases, lack of fish screens on irrigation diversions, the need for a minimum reservoir pool to protect reservoir fisheries, incorporating flushing flows to enhance fish habitat, installation of a measuring devise for in-stream flow monitoring and the portrayal of the project as beneficial to bull trout.

   While these issues are not affected by the project identified in this EA, the DNRC recognizes that fisheries impacts may be partially attributable to the last seven decades of operating the East Fork Project. In order to address and minimize these non-project impacts, the DNRC agrees to the following:

   A. As previously agreed in negotiations with the DFWP and USFWS, an appropriately designed new main canal diversion structure with a fish screen will be installed within five years.
   B. The DNRC will maintain a minimum instream flow downstream of the main canal diversion of 5 cfs when contract water is released from the reservoir.
   C. An appropriate flow measurement devise will be installed by the DNRC upon successful completion of the project to monitor flows through out the irrigation season in a location immediately downstream from the main canal diversion. Measurements will be obtained on a regular basis throughout the irrigation season by the DNRC and/or Flint Creek Water Users Association.

2. Siphon Replacement Construction

   A. The DNRC reiterates our legal obligation to adhere to the stipulations set forth in all siphon replacement project associated local, state and federal government permits and clearances (e.g. project construction timeframes developed specifically to minimize potential impacts to migrating and/or spawning bull trout, and other fisheries species).

3. Access Roads

   Concerns were expressed on potential impacts to county and private roads from the increased construction related heavy vehicle traffic.

   A. The DNRC has set conditions in the Construction Contract that any damage to existing private roads will be repaired to original or better condition.
   B. The DNRC agrees to, upon project completion, regrade the portions of county road leading to and from the construction site that may have been damaged by the contractor in the course of this project. It must be recognized that any construction vehicles utilizing the county road are obligated

to adhere to all Montana Department of Transportation weight restrictions and existing speed limits. Considering that existing traffic on the county road includes increasing residential, recreational, forest service, agricultural and other residential and commercial construction related use, the impacts from the siphon replacement project to the county road are anticipated to be minimal and non-significant.

C. The DNRC will request that the construction contractor take appropriate dust abatement measures along the county road in locations where private residences may be affected by dust from construction related traffic.

D. The construction contractor is responsible to follow all permit requirements regarding traffic control and signage.

4. Environmental Analysis Content / Organization

A. The "No Action Alternative" as written by the NRCS and used in the draft EA places greater emphasis on potential social and economic impacts. Due to relatively small samples and general lack of detailed, long-term population data, positive impacts to bull trout from the no action alternative is subjective and is difficult to quantify. The magnitude, scope and scale of possible economic and social impacts from the no action alternative, assuming complete failure of the siphon and an indefinite shutdown of the entire water conveyance system, is both measurable and quantifiable using current census and agricultural statistical data (as quoted in the NRCS report). Based on recent economic data, these social and economic impacts would be severe and much higher in magnitude than existing impacts to bull trout.

B. The "Narrative Summary of the Proposed Action" indicates that any future take permit issued by the USFWS would be for the project as a whole. This was stated only due to the USFWS request that prior to the USFWS issuing a take permit for the general operation of the system (after the siphon is replaced), the DNRC would commit to installing a new main canal diversion structure and fish screen in the future.

C. The East Fork Siphon Replacement Project Environmental Analysis fully complies with the Montana Environmental Policy Act in both content and organization. All attachments, appendices, maps, diagrams, plans and appendixes are considered part of the full report. These attached items are not less significant because they are not placed within Parts I through IV of the document.

5. Future Cooperative Ventures

The DNRC reemphasizes our commitment to working cooperatively with all interested parties on enhancing and protecting the valuable natural resources that encompass the Flint Creek Project. The DNRC is also equally committed to protecting the State's water rights and legally recognized beneficial water uses.

Those commenting expressed no opposition to the project and no other comments were received.

The DNRC notes that many of the comments, issues and concerns expressed by various government agencies are outside the scope of this EA. The DNRC acknowledges these comments and will address them, when feasible and warranted, in future negotiations with the respective agencies.

Based on the EA's disclosure and analysis of potential impacts, and the comments received, the DNRC concludes that the proposed action will not result in any significant impacts. The DNRC will adopt the draft EA as the final EA and proceed with the project as planned. Copies of the Final EA are available upon request. The Final EA can be viewed on the DNRC website at www.dnrc.mt.gov in the Environmental Documents section. Please direct any questions to:

James P. Domino
DNRC State Water Projects Bureau
1424 9th Avenue, P.O. Box 201601
Helena, MT 59620-1601
(406) 444-6622 e-mail: jdomino@.mt.gov

Thank you for your interest.

Sincerely,

John Tubbs
Water Resources Division Administrator