

Little Lake Creek Reach Irrigation Improvement Project

Environmental Assessment Decision Notice

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
April 2008**

Proposed Action

Montana Fish, Wildlife & Parks (FWP) is proposing to provide funding for and implement a project to install a screw-type headgate (49" X 33"), irrigation water measuring device (flume) (48" X 24") and rock diversion (approx. 12ft in width) on an existing, currently non-functioning irrigation system in the upper Big Hole watershed. The current configuration is an irrigation ditch that has grown in with sod and grass with no irrigation diversion, headgate or irrigation water measuring device. The diversion design will allow for fish passage at the project location.

Montana Environmental Policy Act

The FWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on March 6, 2008.

Public comments on the proposed action were taken for 15 days (through March 21, 2008). The EA was mailed to 25 individuals and groups, and legal notices were printed in the *Montana Standard* (Butte, MT) and the *Dillon Tribune*. The EA was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/> .

Summary of Public Comment

One public comment was received during the 15-day review period.

Comment 1. This comment questioned the amount of cost share that FWP was providing to the project and asked about the potential legalities of having irrigation systems without control structures.

Response: The FWP feels that the cost-share provided for this project is justified when the number of conservation actions that have been implemented by this landowner on the entire property is taken into consideration. This landowner is enrolled in the Candidate Conservation Agreement with Assurances for Fluvial Arctic Grayling in the Upper Big Hole River program (CCAA). The goal of the CCAA is to develop conservation plans for private landowners in the upper Big Hole watershed that: 1) improve streamflows; 2) remove barriers to fish migration; 3) enhance stream and riparian habitats and 4) prevent the entrainment of Arctic grayling on the enrolled property. These actions will not only benefit Arctic grayling but the overall fishery, as well.

Through implementation of the CCAA this landowner has fenced off approximately two miles of the Big Hole River and has agreed to rest approximately 125 acres of riparian pastures from livestock grazing for five years. We believe this agreement will lead to significant improvement to river and riparian habitat along this reach of the Big Hole River. At today's costs for purchasing hay and leasing pasture for grazing this represents a significant contribution to our efforts. The landowner has also made significant improvements to the irrigation system in the past, at other locations on the property, by installing measuring devices without cost-share from state or federal agencies. The installation of these structures will make the implementation of the conservation plan on the property easier and more beneficial to the fishery. The landowner is also working with FWP to install a fish exclusion device on an irrigation ditch on the North Fork of the Big Hole River in which monitoring crews have captured entrained Arctic grayling. The cost-share is also justified because the design that is being used will ensure the passage of fish at the diversion and complete control of water at this location. These goals and objectives may not have been met with a lesser design. Having adequate control structures is a critical component to water management and conservation in the upper Big Hole watershed and recent efforts to improve streamflows in this part of the watershed could not have been realized without the type of structures that this project will provide for the landowner.

In response to the question about the potential legalities of having an irrigation ditch or water right without control structures?

Technically, water users are not required to have control structures in place unless the water court has assigned a water commissioner to enforce water rights in the basin. The Big Hole River basin is currently going through the adjudication process and when a final decree is issued and water commissioners are assigned to the basin then the requirement for control structures will exist. The timing for the issuance of the final decree is unknown but expected to take at least another five years. We feel that improving the control of water being used for irrigation purposes is too important to wait for that date and we are moving forward with efforts to make it happen sooner for the benefit of Arctic grayling and the fishery.

Final Environmental Assessment

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need to preserve fluvial Arctic grayling, its habitat and streamflows in the upper Big Hole River watershed, it is my decision to proceed with the effort to improve the management and measurement of irrigation water as well as protect fish passage in the proposed reach of the Big Hole River.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

Patrick J. Flowers
Region Three Supervisor