

February 20, 2009  
1420 East 6th Ave.  
P.O. Box 200701  
Helena, MT 59620

Environmental Quality Council  
Montana Department of Environmental Quality  
Montana Department of Fish, Wildlife and Parks  
    Fisheries Division  
    Endangered Species Coordinator  
    Native Species Coordinator, Fisheries Office  
    Missoula Office  
Montana State Library, Helena  
MT Environmental Information Center  
Montana Audubon Council  
Montana Wildlife Federation  
Wayne Hadley, 1016 Eastside Road, Deer Lodge, MT 59722  
Montana River Action, 304 N 18<sup>th</sup> Ave., Bozeman, MT 59715  
North Powell Conservation District, 1 Hollenback Road, Deer Lodge, MT 59722  
U.S. Army Corp of Engineers, Helena  
U.S. Fish and Wildlife Service, Helena  
State Historic Preservation Office, Helena  
Big Blackfoot Chapter of Trout Unlimited, P.O. Box 1, Ovando, MT 59854  
Bignell Ranch, 4801 Ovando-Helmville Road, Helmville, MT 59843  
Alfonso Angelo, P.O. Box 109, Ovando, MT 59854  
Gordon Murphy, P.O. Box 175, Ovando, MT 59854

Ladies and Gentlemen:

Please find enclosed an Environmental Assessment prepared for the Future Fisheries Improvement Program. The Program tentatively plans to provide partial funding to a project calling for a single payment to water users on the Murphy Spring Creek diversion to forgo irrigating for two months of the 2009 irrigation season. Payment would be based on an estimated loss of forage. The intent of the project is to insure a minimum in-stream flow in Murphy Spring Creek during 2009 to benefit westslope cutthroat trout and potentially bull trout. Trout Unlimited is working toward consummating a 10-year water lease on the stream, with the hope of initiating the lease in 2010. The project site is located on Murphy Spring Creek approximately 7 miles northeast of the community of Ovando in Powell County.

Please submit any comments that you have by 5:00 P.M., March 23, 2009 to the Department of Fish, Wildlife and Parks in Helena at the address listed above. Funding for this project is contingent upon approval being granted by the Fish, Wildlife and Parks Commission. If you have any questions, feel free to contact me at (406) 444-2432. Please note that this draft EA will be considered as final if no substantive comments are received by the deadline listed above.

Sincerely,

Mark Lere, Program Officer  
Habitat Protection Bureau  
Fisheries Division  
Email: [mlere@mt.gov](mailto:mlere@mt.gov)

ENVIRONMENTAL ASSESSMENT  
Fisheries Division  
Montana Fish, Wildlife and Parks  
Murphy Spring Creek In-stream Flow Restoration Project

General Purpose: The 1995 Montana Legislature enacted statute 87-1-272 through 273 which directs the Department to administer a Future Fisheries Improvement Program. The program involves providing funding for physical projects to restore degraded fish habitat in rivers and lakes for the purpose of improving wild fisheries. The legislature established an earmarked funding account to help accomplish this goal. Additionally, the 1999 Montana Legislature amended statute sections 87-1-273, 15-38-202 and Section 5, Chapter 463, Laws of 1995 to create a bull trout and cutthroat trout enhancement program. The program calls for the enhancement of bull trout and cutthroat trout through habitat restoration, natural reproduction and reductions in species competition by way of the Future Fisheries Program.

The Future Fisheries Improvement Program is proposing to provide partial funding for a project calling for making payment to water users on the Murphy Spring Creek diversion to forgo irrigating for two months during the 2009 irrigation season to insure a minimum in-stream flow in Murphy Spring Creek. The intent of this project is to benefit westslope cutthroat trout and potentially bull trout. The project site is located on private property approximately 7 miles northeast of the community of Ovando in Powell County (Attachment 1).

I. Location of Project: This project will be conducted on the Murphy Spring Creek diversion. Murphy Spring Creek, a tributary to the North Fork Blackfoot River, is located approximately 7 miles northeast of the community of Ovando within Township 15 North, Range 11 West, Section 16 in Powell County.

II. Need for the Project: One goal within Montana Fish, Wildlife and Parks six year operations plan for the fisheries program is to “restore and enhance degraded habitats” by implementing habitat restoration projects and administering the Future Fisheries Improvement Program to restore important habitats on public and private lands. This proposed project would help meet this goal.

Murphy Spring Creek is a first order tributary to the North Fork Blackfoot River. The North Fork is an important fluvial bull trout spawning tributary and has been designated a bull trout core area. Core areas are watersheds used by migratory bull trout for spawning and early rearing and typically support the strongest remaining populations. Murphy Spring Creek also falls within this core area designation. Currently, Murphy Spring Creek supports westslope cutthroat trout and juvenile bull trout have been found rearing near its mouth.

Historically, low flow measurements taken on the lower reach of the stream have ranged between 0 and 0.5 cfs. These low flows impair spawning and rearing and are due, in part; to a trans-basin diversion located about 2 miles from the confluence with the North Fork Blackfoot River. Water is diverted from Murphy Spring Creek to a small reservoir, Doney Lake, and then is passed down Warren Creek, from which three water users divert it for irrigation. This project intends to insure a minimum in-stream flow in Murphy Spring Creek during the 2009 irrigation season while Trout Unlimited continues to work toward consummating a longer-term 10-year lease in the future. This project would complement a previously

completed project on the Murphy Spring Creek diversion that involved the installation of a fish ladder and fish screen.

III. Scope of the Project:

The project proposes to provide payment to the three irrigators on this shared diversion to leave a minimum of 2.2 cfs in Murphy Spring Creek during the 2009 irrigation season. In essence, this payment means that the irrigators are agreeing to not irrigate two months of the irrigation season and the amount of payment is based on an estimate of forage loss. Approximately 203 acre-feet of water will remain in the stream instead of being diverted for irrigation purposes. An acre-foot of water is estimated to be equivalent to a loss of \$20.00 in AUM's (animal unit month). At the same time, an effort is being undertaken to consummate a longer-termed 10-year water lease starting in the 2010 irrigation season. This project is expected to cost \$8,120.00. Of this total, the Future Fisheries Improvement Program would be contributing up to \$4,000.00.

IV. Environmental Impact Checklist:

Please see attached checklist.

V. Explanation of Impacts to the Physical Environment

1. Terrestrial and aquatic life and habitats.

Insuring a minimum in-stream flow in Murphy Spring Creek for the entire 2009 irrigation season is expected to, over the short term, enhance fish populations in the stream and will restore downstream connectivity between the spring creek and the North Fork Blackfoot River for migrating fish.

2. Water quantity, quality and distribution.

This project would result in keeping 203 acre-feet of water in-stream rather than being diverted for irrigation purposes.

3. Geology and soil quality, stability and moisture.

Forgoing irrigation on approximately 360 acres of pastureland for two months of the irrigation season would result in at least a portion of the land converting to dry land.

4. Vegetation cover, quantity and quality.

Forgoing irrigation on 360 acres of pastureland would reduce the quantity and quality of the forage produced during 2009. In contrast, insuring a minimum in-stream flow in the lower two miles of Murphy Spring Creek would be expected to enhance the riparian vegetative community during the summer of 2009.

5. Aesthetics.

Insuring a minimum in-stream flow in the lower 2 miles of Murphy Spring Creek would enhance aesthetics in the drainage during the 2009 irrigation season.

6. Unique, endangered, fragile, or limited environmental resources.

Murphy Spring Creek currently supports westslope cutthroat trout, a species of special concern in Montana and juvenile bull trout have been documented rearing near the confluence with the North Fork Blackfoot River. Bull trout are listed as threatened under the Endangered Species Act. The project area has been classified as a bull trout core area. Insuring a minimum in-stream flow for the 2009 irrigation season is expected to benefit both of these fish species in the short term. Because the North Fork Blackfoot drainage supports bull trout, the project will be included in Montana Fish, Wildlife and Parks Section 6 conservation plan with the U.S. Fish and Wildlife Service.

VI. Explanation of Impacts on the Human Environment.

1. Agricultural or industrial production.

The project would result in approximately 360 acres of traditionally irrigated pastureland not receiving irrigation water for two months during the 2009 growing season. The reduce quantity of irrigation water would total approximately 203 acre-feet and would result in less forage produced. One acre-foot of water was estimated to be equivalent to a loss of \$20.00 in AUM's (animal unit month) for this project.

2. Access to & quality of recreational activities.

A minimum in-stream flow in Murphy Spring Creek during the 2009 irrigation season is expected to enhance fish populations in the stream and in the North Fork Blackfoot River over the short term. As a result, this project may improve the recreational fishery that these water bodies provide.

VII. Discussion and Evaluation of Reasonable Alternatives.

1. No Action Alternative

If no action is taken, Murphy Spring Creek likely will be dewatered during the 2009 irrigation season and spawning and rearing habitat, as well as migratory connectivity to the North Fork Blackfoot River, for westslope cutthroat trout and bull trout will be diminished.

2. The Proposed Alternative

The proposed alternative would insure a minimum in-stream flow in lower Murphy Spring Creek during the 2009 irrigation season. This alternative would insure that a minimum flow would be maintained in 2009 while efforts to secure a longer-term 10-year lease would continue to be pursued by Trout Unlimited. For 2009, this minimum in-stream flow is expected to enhance fish populations in the spring creek and potentially in the North Fork Blackfoot River.

VIII. Environmental Assessment Conclusion Section

1. Is an EIS required? No.

We conclude from this review that the proposed activities will have a positive impact on the physical and human environment.

2. Level of public involvement.

The proposed project was reviewed and supported by the public review panel of the Future Fisheries Improvement Program. The Fish, Wildlife and Parks Commission also review the proposed project and funding will be contingent upon their approval. The Environmental Assessment (EA) is being distributed to all individuals and groups listed on the cover letter. The EA will be published on Montana Fish, Wildlife and Parks webpage: [fwp.mt.gov](http://fwp.mt.gov).

3. Duration of comment period?

Public comment will be accepted through 5:00 PM on March 23, 2009.

4. Person responsible for preparing the EA.

Mark Lere, Program Officer  
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Fisheries Division  
Montana Department of Fish, Wildlife and Parks  
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**MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS**  
 1420 E 6th Ave, PO BOX 200701, Helena, MT 59620-0701  
 (406) 444-2535

**ENVIRONMENTAL ASSESSMENT**

Project Title Murphy Spring Creek In-stream Flow Enhancement Project

Division/Bureau Fisheries Division -Future Fisheries Improvement

Description of Project The Future Fisheries Improvement Program is proposing to provide partial funding for a project calling for making payment to water users on the Murphy Spring Creek diversion to forgo irrigating for two months during the 2009 irrigation season to insure a minimum in-stream flow in Murphy Spring Creek. The intent of the project is to benefit westslope cutthroat trout and potentially bull trout. The diversion site is located approximately 7 miles northeast of the community of Ovando in Powell County.

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Terrestrial & aquatic life and habitats			X			X
2. Water quality, quantity & distribution			X			X
3. Geology & soil quality, stability & moisture			X			X
4. Vegetation cover, quantity & quality			X			X
5. Aesthetics			X			X
6. Air quality				X		
7. Unique, endangered, fragile, or limited environmental resources			X			X
8. Demands on environmental resources of land, water, air & energy				X		
9. Historical & archaeological sites				X		

POTENTIAL IMPACTS ON THE HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Social structures & mores				X		
2. Cultural uniqueness & diversity				X		
3. Local & state tax base & tax revenue				X		
4. Agricultural or industrial production			X			X
5. Human health				X		
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational and wilderness activities			X			X
8. Quantity & distribution of employment				X		
9. Distribution & density of population & housing				X		
10. Demands for government services				X		
11. Industrial & commercial activity				X		
12. Demands for energy				X		
13. Locally adopted environmental plans & goals				X		
14. Transportation networks & traffic flows				X		

Other groups or agencies contacted or which may have overlapping jurisdiction North Powell Conservation District, US Fish and Wildlife Service

Individuals or groups contributing to this EA Ryen Aasheim, Big Blackfoot Chapter of TU

Recommendation concerning preparation of EIS No EIS required.

EA prepared by: Mark Lere

Date: February 4, 2009