

**DECISION NOTICE**  
**JACK CREEK CHANNEL RELOCATION PROJECT**

**Prepared by**  
**Montana Fish, Wildlife and Parks**  
**March 24, 2009**

**I. Proposal**

Montana Fish, Wildlife and Parks (FWP) proposes to provide partial funding through the Future Fisheries Improvement Program for a stream channel restoration project on a reach of Jack Creek, a tributary to the Madison River.

**II. Montana Environmental Policy Act (MEPA)**

MEPA required FWP to assess the potential consequences of the proposed action for the human and natural environment. The proposal was detailed in an Environmental Assessment (EA) released by FWP on February 20, 2009. The 30-day comment period for this EA ended March 23, 2009.

Issues raised during the public comment period for this EA are addressed in the Comments section of this Decision Notice. The draft EA and Decision Notice will serve as the final document.

**III. Summary of Public Comment**

One written e-mail comment was received in response to the draft EA. No other comments were received. The commenter stated **“The Jack Creek project looks to be one of those projects in the right direction.”**

Issues brought forward from this written comment included:

- 1. Will the road dividing the channels be eliminated with the relocation from the south to the north? If the road is kept open, will there be a culvert, bridge or some other methodology for the water to flow. Will the structure, whatever it is be designed for fish passage. If the road is closed, and a breach is developed for water flow, what rehab plan is in place to prevent erosion and sediment recruitment into the water course?**

Response: Understandably, there appears to be some confusion over existing and proposed channel locations. The existing location of this reach of Jack Creek is immediately to the north of, and paralleling, the present access road. The proposed location of the restored channel segment is slightly further to the north of the existing channel and away from the existing access road. Moving the channel course slightly further to the north allows for the construction of a meandering channel in place of the existing straight “ditch-like” channel. The

access road would remain in place. An existing bridge, located downstream of this proposed project, passes Jack Creek underneath the existing access road. This existing stream crossing will not change as a result of this proposed project.

Confusion may have arisen due to a description of the original design; a design calling for returning the existing channel back to a historic channel located to the south of the access road. The original design would have called for a new stream crossing to pass Jack Creek underneath the access road. This original design was cancelled due to some issues with ground elevations.

**2. Is the homestead/ranch still active? If so, are there activities such as cattle grazing, haying, etc that would take place in the riparian areas and along the stream banks. If so, would there be fencing or other type of structures constructed to protect the stream banks?**

Response: The homestead/ranch is still active. To receive funding from the Program, the landowner must enter into a project agreement with FWP calling for the exclusion of livestock grazing from the riparian corridor for a minimum of three years. It is up to the landowners to decide how to exclude livestock. Following the three-year period, the landowner would need to agree to submit a riparian grazing management plan, focusing on the recovery of woody riparian vegetation, to the Department for approval prior to initiation of livestock grazing in the riparian corridor. The project will be maintained in a restored condition for a minimum of 20 years.

**3. How soon after channel reconstruction will the water be diverted from one channel to the other? Will there be adequate time for the new channel to stabilize before new flows are introduced?**

Response: The Applicant is calling for diverting Jack Creek into the newly constructed channel as soon as it has been completed. The level of risk to stability in doing so is unknown. There are examples of newly relocated channels that have remained stable when activated immediately following completion. There also are examples of relocated channels that have become unstable. The risk to stability is dependent on a number of factors, including proper design, proper construction, establishment of riparian vegetation, and the potential for flood events following completion. Risk likely would be reduced if the riparian vegetation on the newly constructed channel were allowed to establish over a growing season. To do so, however, would result in additional costs associated with stockpiling of excavated materials and the re-mobilization of equipment.

**4. This document has a limited discussion on water quality and quantity which preclude determining whether an EIS is really needed.**

Response: This proposed project would have no appreciable influence on water quantity. Water quality, primarily in terms of an increase in turbidity over the

short term, likely would be affected by the proposed project. However, constructing the new channel in the dry, while the existing old channel continues to carry the stream flow of Jack Creek, would mitigate adverse effects to water quality. Increases in turbidity would be expected to occur when the stream flow was turned into the new channel. This increase in turbidity would be expected to dissipate within 24 hours. This proposed project will require the applicant to obtain a 318 authorization from Montana Department of Environmental Quality (DEQ). This authorization identifies activities that must be carried out in accordance with conditions prescribed by DEQ that will protect water quality and minimize sedimentation.

**IV. Modifications to the Environmental Assessment**

Modifications to the draft EA are deemed to be unnecessary.

**V. Decision**

After review of the proposal, it is my decision to proceed with funding through the Future Fisheries Improvement Program for the Jack Creek Channel Relocation Project. The action is expected to benefit the fishery in the restored reach of the stream.

I find there to be no significant impacts associated with this action and conclude that an Environmental Impact Statement is not needed. The completed EA and the Decision Notice provide an adequate level of analysis.

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Jim Darling, Habitat Bureau Chief  
Fisheries Division