

DECISION NOTICE

Selective Fish Passage Enhancement and Maintenance at Rainy Dam

Montana Fish, Wildlife and Parks
Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

DESCRIPTION OF PROPOSED PROJECT

Montana Fish, Wildlife & Parks (FWP) proposes to construct a small check structure (10-14" high) just downstream of Rainy Dam in order to raise the tailwater pool elevation by 10-18". Rainy Dam is owned and maintained by FWP and lies entirely on Lolo National Forest property (Lolo National Forest is a project partner). The structure would be created using logs and natural rock found at the site. The purpose of the action is to enhance the ability of native salmonids to jump over the dam, while maintaining an obstruction to the upstream movements of unwanted species such as northern pike (*Esox lucius*), central mudminnow (*Umbra limi*) and pumpkinseed sunfish (*Lepomis gibbosus*) that are unable to jump and ascend vertical obstructions. The structure design would follow the standard cross-vein (weir) design that has been successfully implemented at numerous locations in the basin. Maintenance of the dam wing walls will also be completed by angular rock behind and at the base of the walls to enhance stability. The proposed action is considered an interim measure to enhance native salmonids passage while permanent designs are developed for the Rainy Dam location.

PUBLIC PROCESS AND COMMENT

The public comment period began August 12, 2009, and ran through August 27, 2009. Notices were published in the *Seeley Swan Pathfinder* (Seeley Lake), *Missoulian*, and *Independent Record* (Helena) newspapers. Notices of this EA went out to interested parties, including the Clearwater Resource Council, Seeley Lake Water Quality District, Montana Department of Natural Resources and Conservation, Lolo National Forest, other agency personnel, and adjacent landowners. The Environmental Assessment (EA) was posted on the FWP web site.

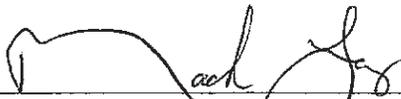
No comments were received from the public or from federal or state agency personnel. One comment was received from Chris Lorentz (FWP Parks Division) supporting the proposed action, and an email was received from the Seeley Lake Water Quality District indicating that they had no comments.

DECISION

Based on the analysis in the EA and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared.

It is my decision to implement the proposed action of modifying the Rainy Dam tailwater pool elevation and completing maintenance work on the wing-wall structures as described in the EA. By notification of this Decision Notice, the draft EA is hereby made the final EA. The final EA with Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the above address.

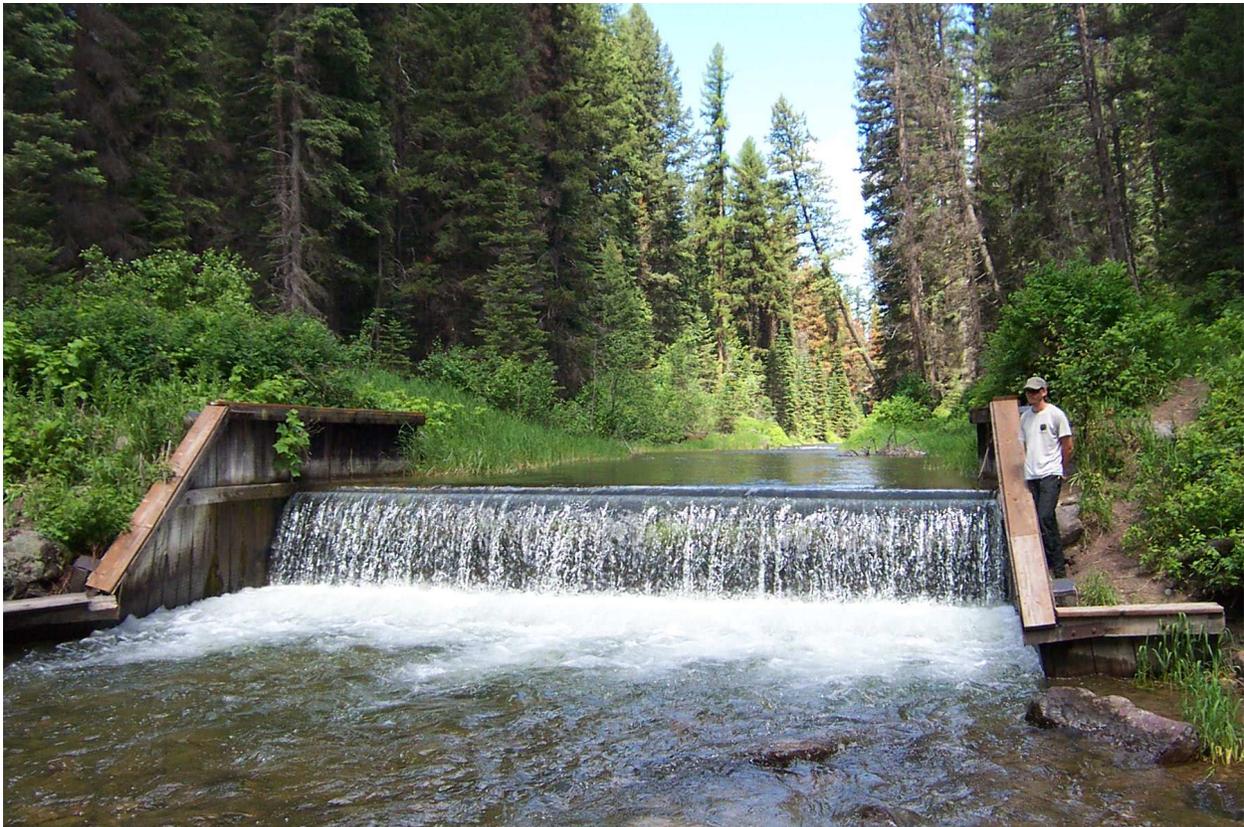
Please direct any further requests or questions to Mack Long, Region 2 Supervisor, or Ladd Knotek, Region 2 Fisheries Biologist (at the address or phone number above).



Mack Long, Regional Supervisor

8/31/09
Date:

**Draft
Environmental Assessment
Selective Fish Passage Enhancement
and Maintenance at Rainy Dam**



August 2009



***Montana Fish,
Wildlife & Parks***

Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Proposed state action:

Montana Fish, Wildlife & Parks (FWP) proposes to construct a log and rock check structure (10-14 inches high) below the Rainy Dam to enhance upstream fish passage of migratory trout while maintaining an obstruction to the upstream movement of nonnative, invasive fish species. Recent research at the site has demonstrated that the dam is a partial barrier to upstream movement of bull trout (*Salvelinus confluentus*) and westslope cutthroat trout (*Oncorhynchus clarki lewisi*), while completely impassible to non-salmonid species such as northern pike (*Esox lucius*). The proposed project is intended to deepen the tailwater pool below Rainy Dam and enhance the ability of native trout to move over the structure. Minor maintenance of the wing walls is also planned in conjunction with the project. This will involve placing angular boulders behind and at the base of the wing walls to provide additional stability. The proposed action is considered an interim measure to enhance native salmonids passage while permanent designs are developed for the Rainy Dam location.

2. Agency authority for the proposed action:

Under MCA 87-1-701 and other statutes, the State of Montana (Montana Fish, Wildlife & Parks) is authorized to engage in fish restoration and management projects. In addition, Rainy Dam is owned by the State of Montana. Surrounding lands are owned and managed by the Lolo national Forest, a partner on the proposed project.

3. Name of project: Rainy Dam Selective Fish Passage Enhancement

4. Project sponsor:

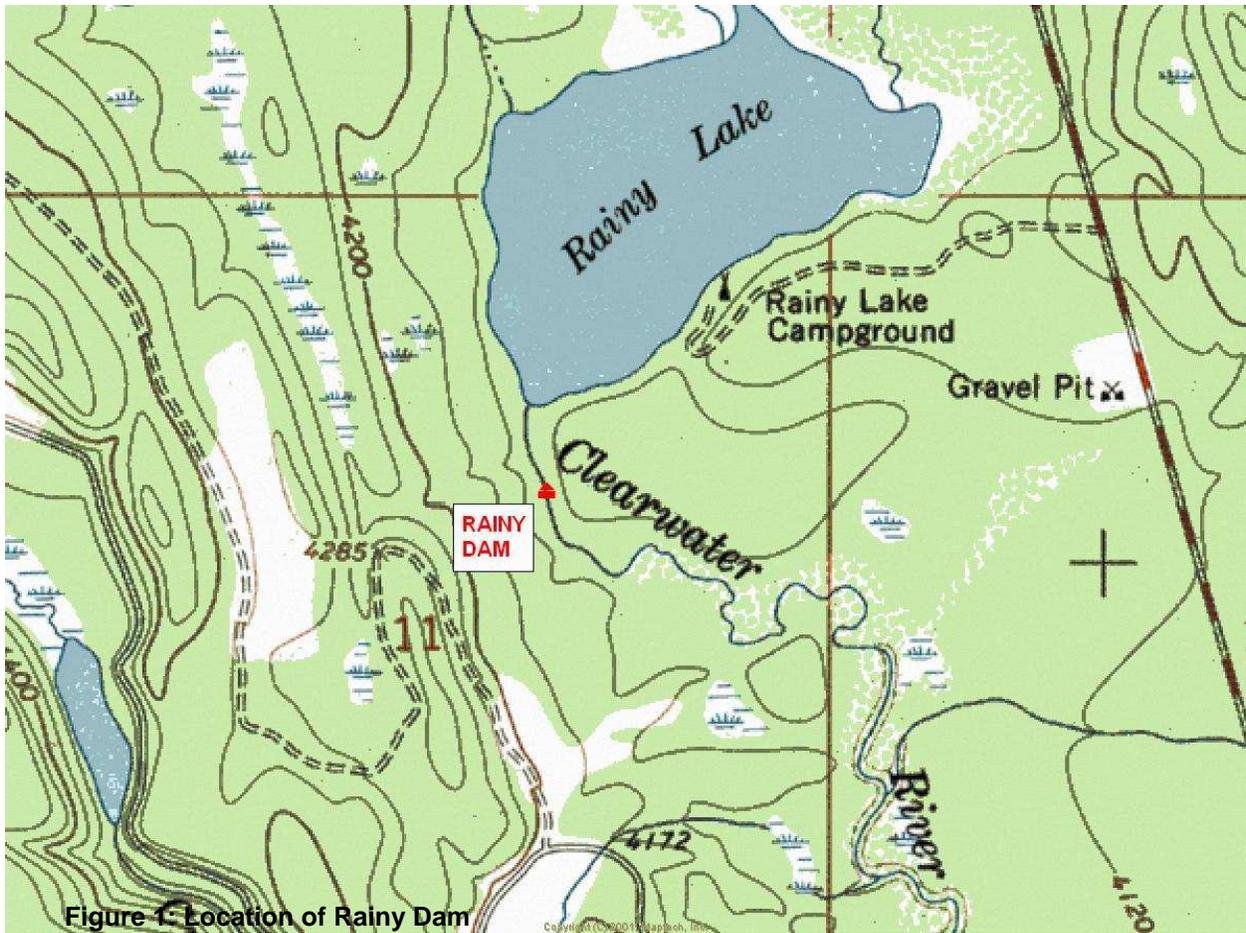
Montana Fish, Wildlife & Parks
3201 Spurgin Road
Missoula, MT 59804
406-542-5506

5. Estimated Schedule of Events:

Estimated Construction/Commencement Date: Sept 2009
Estimated Completion Date: By November 2009
Current Status of Project Design: 80% complete

6. Location:

Rainy Dam is located approximately 200 yards downstream of the Rainy Lake outlet, approximately 12 miles NW of the town of Seeley Lake (Missoula County) at T18N, R16W, Section 11.



7. Project size:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0.25</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/ Woodlands/Recreation	<u>0.25</u>	Irrigated cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0.25</u>	Dry cropland	<u>0</u>
		Forestry	<u>0</u>
		Rangeland	<u>0</u>
		Other	<u>0</u>

8. Permits, Funding and Overlapping Jurisdictional Responsibilities:

(a) **Permits:** All required permits will be secured prior to construction.

Agency Name	Permit	Date Filed/#
US Army Corps of Engineers	404	Pending
MT Fish, Wildlife & Parks	124	Pending
State Historic Preservation	Clearance/Review	7-29-09
MT Dept. of Environmental Quality (through FWP)	318 Authorization	Pending

(b) Funding:
Funding will be provided through Montana Fish, Wildlife & Parks' dam maintenance account. The estimated cost is less than \$5,000.

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Lolo National Forest – Seeley Lake Ranger District
DNRC – Dam safety and inspections

9. Summary of the proposed action:

FWP proposes to construct a small check structure (10-14" high) just downstream of Rainy Dam in order to raise the tailwater pool elevation by 10-18". The structure would be created using logs and natural rock found at the site. The purpose of the action is to enhance the ability of native salmonids to jump over the dam, while maintaining an obstruction to the upstream movements of unwanted species such as northern pike, central mudminnow (*Umbra limi*) and pumpkinseed sunfish (*Lepomis gibbosus*) that are unable to jump and ascend vertical obstructions. The structure design would follow the standard cross-vein (weir) design (typicals available from FWP) that has been successfully implemented at numerous locations in the basin. Maintenance of the dam wing walls will also be completed by angular rock behind and at the base of the walls to enhance stability. The proposed action is considered an interim measure to enhance native salmonids passage while permanent designs are developed for the Rainy Dam location.

10. Alternatives:

Alternative A: No Action

The no action alternative would perpetuate the current situation at the site. The stability of Rainy Dam is currently acceptable, with the exception of minor erosion around the wing walls. The dam would continue to act as a barrier to the upstream movement of northern pike, central mudminnow, and other nonnative species that are not present in the upper watershed. However, the current conditions allow only partial upstream passage for native salmonids. Evaluation and development of alternatives, as well as securing funding for more permanent modifications or dam replacement will likely take several years.

Alternative B: Removal of Rainy Dam

Removal of Rainy Dam and restoration of an unobstructed river channel would alleviate concerns over upstream passage of native salmonids and concerns over the long-term stability of the structure. This alternative would not maintain the obstruction to upstream movement of nonnative fish species and would allow them access to Rainy Lake and the upper Clearwater watershed. Likely introduction of new nonnative fish species upstream of the dam is undesirable and problematic from a biological and fisheries management perspective.

Alternative C (Preferred): Enhance Interim, Selective Fish Passage

The preferred alternative would enhance the ability of native salmonids to jump over the dam, while maintaining an obstruction to the upstream movements of unwanted species such as northern pike, central mudminnow and pumpkinseed sunfish that are unable to jump and ascend vertical obstructions. Minor maintenance of the dam wing walls would also be completed while equipment was on site.

Alternative D: Retain Dam and Provide Unobstructed Fish Passage for All Fish Species at Rainy Dam by Installing a Fish Passage Facility (Fish Ladder)

Retaining the dam in its current condition and providing unobstructed fish passage for all species by installing fish passage facilities (i.e, fish ladder) would meet the objective of passing native trout, but would not prevent the volitional upstream expansion of nonnative fish such as northern pike, central mudminnow and pumpkinseed sunfish. Maintenance of the dam's wing walls could also be completed in conjunction with this alternative. However, the likely introduction of new nonnative fish species upstream of the dam is undesirable and problematic from a biological and fisheries management perspective.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

3. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Soil instability or changes in geologic substructure?			x		1a	1a
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				1c
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		1d	1d
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?			X			1e

1a: The project will help to stabilize the streambank downstream of the dam and the Rainy Dam structure. Localized, temporary instability may occur where the rock cross-vein is tied into the banks until vegetation becomes re-established. Impacts will be mitigated by revegetating disturbed sites immediately.

1c: No unique geological or physical features exist within the immediate project area. In addition, the Clearwater River channel in the project area was modified and channelized when the dam was installed.

1d: The project will reduce bank erosion and streambed sedimentation. However, temporary increases in sediment and turbidity will occur as the work is being completed. Impacts will be mitigated by working during base flow conditions and by limiting the time equipment is working in the stream and on streambanks.

1e: Rainy dam is a small wood crib structure that does not create a significant impoundment or impact a large reach of stream upstream of the site (due to relatively high gradient and channel confinement). DNRC engineers expressed concern that a small check structure constructed downstream of the dam may enhance erosion potential behind wing-walls. Stabilization with rock is intended to mitigate any enhanced erosion. No private property, infrastructure or areas of high public use exist downstream of the structure on the Clearwater River.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X			2a
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				

2a: A minor amount of emissions from construction equipment exhaust will be emitted for a short time during the project period.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. <u>WATER</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X			3a
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?			X			3c
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		n/a				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		n/a				

3a: Short-term increases in turbidity will occur during project construction. To minimize turbidity, construction will occur during a low flow period and operation of equipment in the creek channel will be minimized to the extent practical. All required permits/authorizations would be obtained prior to construction.

3c: The construction of the cross-vein structure will raise the depth of the dam tail-race pool by approximately 10-14" (low water) to approximately 18" (high flow) and possibly higher during a rare flood event. These changes will only occur in the immediate dam vicinity.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		n/a				

4a: Live native green trees will be selected from areas close to the project location for placement in the structure if adequate rock is not available. The number of trees required for the project and individual tree selection are not expected to have long-term adverse impacts on local plant communities as analyzed by the USFS.

4c: A search of the Montana Natural Heritage Program's (MNHP) species of concern database found no vascular or non-vascular plants of significance within the boundaries of the project area. The project was reviewed and cleared by a USFS botanist.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				5c
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				5e.
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)				X		
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5a. Project is being implemented to enhance native fish and native fish habitat, particularly for bull trout and westslope cutthroat trout.

5c. A stated objective of the project is to maintain Rainy Dam in place as a barrier to the upstream expansion of nonnative invasive species such as northern pike, central mudminnow and pumpkinseed sunfish.

5e. As referenced earlier, the primary objectives of the project are to enhance the ability of native salmonids to ascend (jump) over Rainy Dam, while maintaining the dam as a barrier to the upstream expansion of nonnative invasive species that cannot jump over, such as northern pike, central mudminnow and pumpkinseed sunfish.

5f: A search of the Montana Natural Heritage database revealed 9 species of concern in the vicinity of the project area. Species of concern include gray wolf (endangered status), grizzly bear (threatened status), Canada lynx (threatened status), wolverine, fisher, bald eagle (threatened status), black-backed woodpecker, bull trout (threatened status) and westslope cutthroat trout. FWP does not expect terrestrial species or their habitats to be negatively affected by the proposed project. The project is intended to benefit migratory bull trout and westslope cutthroat trout.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X			6a
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a: There will be an increase in noise near the project site from equipment used to do the work. This will only occur for approximately 3 days during project construction.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

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*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources						10e
f. **Define projected maintenance costs.						10f

10e: The proposed project will be paid for with FWP base budget funding (license dollars) allocated for maintenance dams owned by FWP.

10f: Future maintenance costs are expected to be minimal and should not be different than existing maintenance associated with Rainy Dam.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. <u>AESTHETICS/RECREATION</u>	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

12. <u>CULTURAL/HISTORICAL RESOURCES</u>	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				

12a: Based on consultation with the Montana State Historic Preservation Office (SHPO), there is a low likelihood that cultural properties will be impacted. Should cultural materials be inadvertently discovered during this project, FWP will notify SHPO.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		n/a				
g. ****For P-R/D-J, list any federal or state permits required.		n/a				

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

All state and federal permits will be obtained by FWP. The project construction will be completed by a private contractor skilled in stream work and directed by FWP and US Forest Service staff. The private contractor will be selected in accordance with the State's purchasing procedures.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed action is not expected to have negative cumulative effects on the physical and/or human environments. The minor impacts identified in the previous sections are most likely to occur in relation to the construction phase of the project. There are no lasting negative effects anticipated in relation to this project. The proposed actions are interim measures designed to lessen impacts to native migratory trout while more permanent modifications or reconstruction of Rainy Dam are formulated.

The proposed project would utilize the least intrusive construction techniques whenever possible to limit short-term effects associated with the project. Once completed, the proposed structural changes will not noticeably change the riparian environment or aesthetics of the surrounding viewshed. Rainy Dam is a small wood crib dam that poses minimal threat to public safety or significant environmental disturbance should it fail. The major considerations involved with the maintenance, modification and long-term plans for this structure involve fisheries management and containment of invasive species.

PART IV. PUBLIC PARTICIPATION

1. Public Involvement:

The public will be notified in the following manner to comment on this current EA, the proposed action and alternatives:

- One public (legal) notice in each of these newspapers: *Missoulian*, *Helena Independent Record*, *Seeley Swan Pathfinder*.
- Direct mailing to adjacent landowners and interested parties;
- The EA will be posted on the FWP web page (<http://fwp.mt.gov>) under "Recent Public Notices."
- The EA will be available at FWP Region 2 Headquarters.

This level of public notice and participation is deemed appropriate for a project of this scope having few minor impacts.

2. Duration of comment period.

The public comment period will extend for 15 days following the publication of the legal notice in area newspapers (November 6, 2008). Written comments will be accepted until 5:00 p.m. August 27, 2009 and can be mailed to the address below:

Rainy Dam Project
Montana Fish, Wildlife & Parks
Region 2 Headquarters
3201 Spurgin Road

Missoula, MT 59804
Or email comments to Ladd Knotek at lknotek@mt.gov or phone comments to him at 406-542-5506.

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?** No
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

Based upon the above assessment, which has identified a limited number of minor impacts associated with the proposed action, an EIS is not required because this environmental assessment provides an appropriate level of review and analysis.

2. **Person responsible for preparing the EA:**

W. Ladd Knotek
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3. **Agencies consulted during preparation of the EA:**
Lolo National Forest – Seeley Lake Ranger District
Montana Fish, Wildlife & Parks:
 - Parks Division
 - Wildlife Division
 - Fisheries DivisionMontana Department of Natural Resources & Conservation
Montana State Historic Preservation Office – (SHPO)
Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Missoula County – Conservation District & Flood Plain Administrator

APPENDICES

- A. State Historic Preservation Office Letter
- B. Design description, typicals and project site photos.