



Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

July 26, 2010

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks:
 Director's Office Parks Division Lands Section FWP Commissioners
 Fisheries Division Legal Unit Wildlife Division Design & Construction
MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Jack Jones, 3014 Irene St., Butte, MT 59701
Beaverhead Conservation District, 420 Barrett Street, Dillon, MT 59725
U.S. Army Corp of Engineers, Helena
U.S. Fish and Wildlife Service, Helena
U.S. Fish and Wildlife Service, 420 Barrett Street, Dillon, MT 59725
Big Hole Watershed Committee, P.O. Box 931, Butte, MT 59703
Montana Trout Unlimited, P.O. Box 7186, Missoula, MT 59807
John Dooling, P.O. Box 842, Jackson, MT 59736
Dan Vermillion, FWP Commissioner, Livingston MT

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for the Dooling Ranch Irrigation Improvement Project Environmental Assessment. The fluvial Arctic grayling population in the upper Big Hole watershed is threatened by low quality habitat and low instream flows. Montana Fish, Wildlife & Parks is proposing improvements to this irrigation system to improve the management and measurement taken from tributaries of the Big Hole River for the purpose of irrigation. One public comment was received during a 26-day comment period ending November 20, 2009.

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 that the projects on Berry Creek and Little Swamp Creek had no significant impacts on the human and physical environment. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

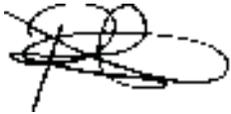
Questions regarding these Decision Notices should be mailed to:

Peter Lamothe
Montana Fish, Wildlife & Parks
730 N. Montana St.
Dillon, MT 59725

Or e-mailed to: plamothe@mt.gov

Thanks for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick J. Flowers', with a large, stylized flourish at the end.

Patrick J. Flowers
Region Three Supervisor

Attachments (1)

Dooling Ranch Irrigation Improvement Projects

Environmental Assessment Decision Notice

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
July 2010**

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposed to provide funding for and implement a project installing the following structures:

- One pin and plank type headgate (3-feet wide and 3.5-feet high) and a two-foot wide irrigation water measuring device at one point of diversion on Berry Creek, and
- One pin and plank type headgate (3-feet wide and - feet high) and a two-foot wide irrigation water measuring device at two points of diversion on Little Swamp Creek.

Previously there were no headgates or measuring devices at either of these locations.

This project was completed by the contractor in November of 2009 prior to receiving a “Notice to Proceed” from FWP. This irregularity was resolved by a post-construction Class III cultural resource inventory that was completed by GCM Services Inc. on June 21, 2010. The results of the inventory state that the project had no effect to cultural resources. The results of the inventory were provided to the Montana State Historic Preservation Office.

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 October 26, 2009.

Public comments on the proposed action were taken for 26 days (through November 20, 2009). The EA was mailed to 24 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 26-day review period.

Comment 1. The Montana State Historic Preservation Office recommended that a cultural resource inventory be conducted in order to determine whether or not sites with cultural properties exist at the project sites and if they would be impacted by the proposed action.

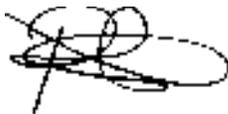
Response: A Class III cultural resource inventory was completed by Dave Ferguson of GCM Services on June 21, 2010. The results of the inventory state that there are no cultural sites or properties located within the project sites. There was no indication that the completion of the proposed actions disturbed any cultural resources. A copy of the cultural resource inventory report was mailed to the Montana State Historic Preservation Office.

Final Environmental Assessment

This project was initiated by the contractor prior to receiving a "Notice to Proceed" from FWP. This irregularity was resolved by a post-construction Class III cultural resource inventory as described above. Given the results of the cultural inventory, 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 that the projects on Berry Creek and Little Swamp Creek had no significant impacts on the human and physical environment. 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