

1400 South 19th Avenue Bozeman, MT 59718

May 22, 2013

To: Governor's Office, Tim Baker, 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

Jack Atcheson, 2309 Hancock Avenue, Butte MT 59701

Beaverhead Conservation District, 420 Barrett Street, Dillon, MT 59725

U.S. Army Corp of Engineers, 1520 E 6th Avenue, Helena, MT 59601

U.S. Fish and Wildlife Service, 585 Shepard Way, Suite 1, Helena, MT 59601

U.S. Fish and Wildlife Service, 420 Barrett Street, Dillon, MT 59725

Big Hole Watershed Committee, Box 21, Divide, MT 59727

Montana Trout Unlimited, P.O. Box 7186, Missoula, MT 59807

Dan Vermillion, FWP Commissioner, 13 Kindsfather Dr., Livingston MT 59047

Earnest and Colleen Bacon, 2215 Fishtrap Creek Road, Wisdom, MT 59761

Dept. of Natural Resources and Conservation, 730 N. Montana Street, Dillon, MT 59725-9424

George Grant Chapter of Trout Unlimited, P.O. Box 563, Butte, MT 59703

Skyline Sportsmen, P.O. Box 173, Butte, MT 59703

Anaconda Sportsmen, 2 Cherry, Anaconda, MT 59711

Carter Kruse, Aquatic Resource Coordinator, Turner Enterprises, Inc., 1123 Research Drive, Bozeman, MT 59718

Mark Peterson, Madison-Gallatin Trout Unlimited, PO Box 52, Bozeman, MT 59771

Cavan Fitzsimmons, Hebgen Lake Ranger District, PO Box 520. West Yellowstone, MT 59758

The Madison River Foundation, P.O. Box 1527, Ennis, Montana 59729

Madison Conservation District, P.O. Box 606, Ennis, MT 59729

Kevin Hughes, Wildlife Area Manager, 1400 S 19th Ave, Bozeman, MT 59718

Madison County Commission, P.O. Box 278, Virginia City, MT 59755

Campfire Lodge Resort, Inc., James "Jim" and Wendie Slattery, 155 Campfire Lane, West Yellowstone, MT 59758

Campfire Lodge Resort, Inc., James "Jim" and Wendie Slattery, 1713 Bonanza Way, Modesto, CA 95350

Beartrap Outfitters, c/o Quint Whitman, 5151 W. El Gato, Meridian, ID 83642

Terry Search, Yellowstone Mountain Guides, Inc., PO Box 70, West Yellowstone, MT 59758

Clyde Seely, Parade Rest Ranch, c/o Marge Wanner, 1279 Grayling Creek Road, West Yellowstone, MT 59758

Don Drake, Jefferson Valley Sportsmen's Assoc., PO Box 663, Whitehall, MT 59759

Ladies and Gentlemen:

The enclosed Decision Notice addresses proposed actions for a project entitled Chadbourne Diversion Repairs and Fish Passage Retrofits. This Yellowstone cutthroat trout conservation project proposes to repair an aging irrigation structure that has had the added benefit of preventing wide-scale invasion of rainbow trout into the Shields River watershed. Built in 1908, the diversion has structural problems and rainbow trout can swim over the diversion at some flows. This project will restore the structural stability of the Chadbourne and add several retrofits that will make it impassable to rainbow trout. The EA included a selective fish passage component, which is no longer part of the project. Two comments were received during a 30-day comment period ending August 10, 2012.

This Draft EA is available for review in Helena at FWP's Headquarters, the State Library, and the Environmental Quality Council. It also may be obtained from FWP at the address provided above, or viewed on FWP's Internet website: http://www.fwp.mt.gov.

It is my decision to proceed with the proposed project, with the exception of the selective fish passage component.

Questions regarding this Decision Notice should be mailed to:

Carol Endicott 1354 Highway 10 West Livingston, MT 59047

Or e-mailed to: cendicott@mt.gov

Thank you for your interest.

Sincerely,

Patrick J. Flowers Region Three Supervisor

Attachment



DECISION NOTICE

Montana Fish, Wildlife & Parks Region Three, Bozeman May 22, 2013

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to repair and retrofit an aging irrigation diversion structure. This structure has had the added benefit of preventing invasion of rainbow trout into the Shields River watershed upstream of the structure, thereby maintaining the Shields River watershed as a basin-level stronghold for Yellowstone cutthroat trout. Repairs will include strengthening the face of the dam, which is the thinnest element and has failed in places. In addition, repairs will include several other worn or unstable elements of the structure. A significant structural hazard is a large scour hole downstream of the Chadbourne diversion, which threatens to undermine the structure, leading to undermining the dam and resulting in its failure. Along with the repairs, several retrofits will serve the dual purposes of stabilizing the structure and preventing fish from swimming over the Chadbourne diversion. This project benefits irrigated agriculture and native fish conservation.

Montana Environmental Policy Act

The Montana Environmental Policy Act (MEPA) requires Montana Fish, Wildlife & Parks assess significant potential impacts of a proposed action on the human and physical environment. In compliance with MEPA, FWP completed an environmental assessment (EA) for the proposed project by FWP and released for public comment on July 19, 2012.

Public comments on the proposed project were taken for 30 days (through August 10, 2012). The EA was mailed to 37 individuals and groups, and a legal notice was printed in the Bozeman Daily Chronicle and Livingston Enterprise newspapers. A draft EA was posted on the FWP webpage: http://fwp.mt.gov/news/publicnotices.

Summary of Public Comment

Comment:

The public comment period elicited two comments, one from a private citizen and the other from the State Historic Preservation Office. Bert Otis of Emigrant wrote in favor of the project and supported repair of the century old structure. The State Historic Preservation Office requested a cultural resource inventory of the diversion and the associated canal. They concurred with the U.S. Fish and Wildlife Service archeologist,

whose opinion was that the multiple repairs had altered the historic value of the diversion and no impact would result from this action.

Decision

It is my decision to go forward with the proposed action of constructing repairs and retrofits to the Chadbourne diversion, based on the Environmental Assessment, public comment, and benefits and risks associated with this project. I have decided not to move forward with the selective fish passage portion of the project to ensure the cooperation of the adjacent landowner. I find there to be no significant impacts on the human and physical environments associated with this project. I therefore 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