

Draft
Environmental Assessment

**Clark Fork River Flynn-Lowney ditch water
savings, Future Fisheries Improvement
Program grant**

August 30, 2021



Draft Environmental Assessment MEPA CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

The Future Fisheries Improvement Program (FFIP) tentatively plans to provide partial funding toward the water right purchase of the Flynn-Lowney ditch (Missoula). The overall goal is to increase instream flow in the Clark Fork River, eliminate the need for ongoing maintenance and Clark Fork River channel alterations associated with the diversion process, and reduce fish entrainment losses to the river system through the decommissioning of an irrigation ditch.

This Environmental Assessment (EA) is focused on the state action of providing grant funding for the water right transfer. Any potential physical modifications to the ditch are out of the scope of this EA.

2. Agency authority for the proposed action:

The 1995 Montana Legislature enacted sections 87-1-272 through 273, MCA that direct Montana Fish, Wildlife & Parks (FWP) to administer a Future Fisheries Improvement Program (FFIP). 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. This legislation was amended again in 2013 to open the program to all native fish species (statute section 87-1-283). The program now calls for the enhancement of native fish through habitat restoration, natural reproduction and reductions in species competition by way of the FFIP.

3. Anticipated Schedule:

Estimated Commencement Date: 2021

Estimated Completion Date: 2023

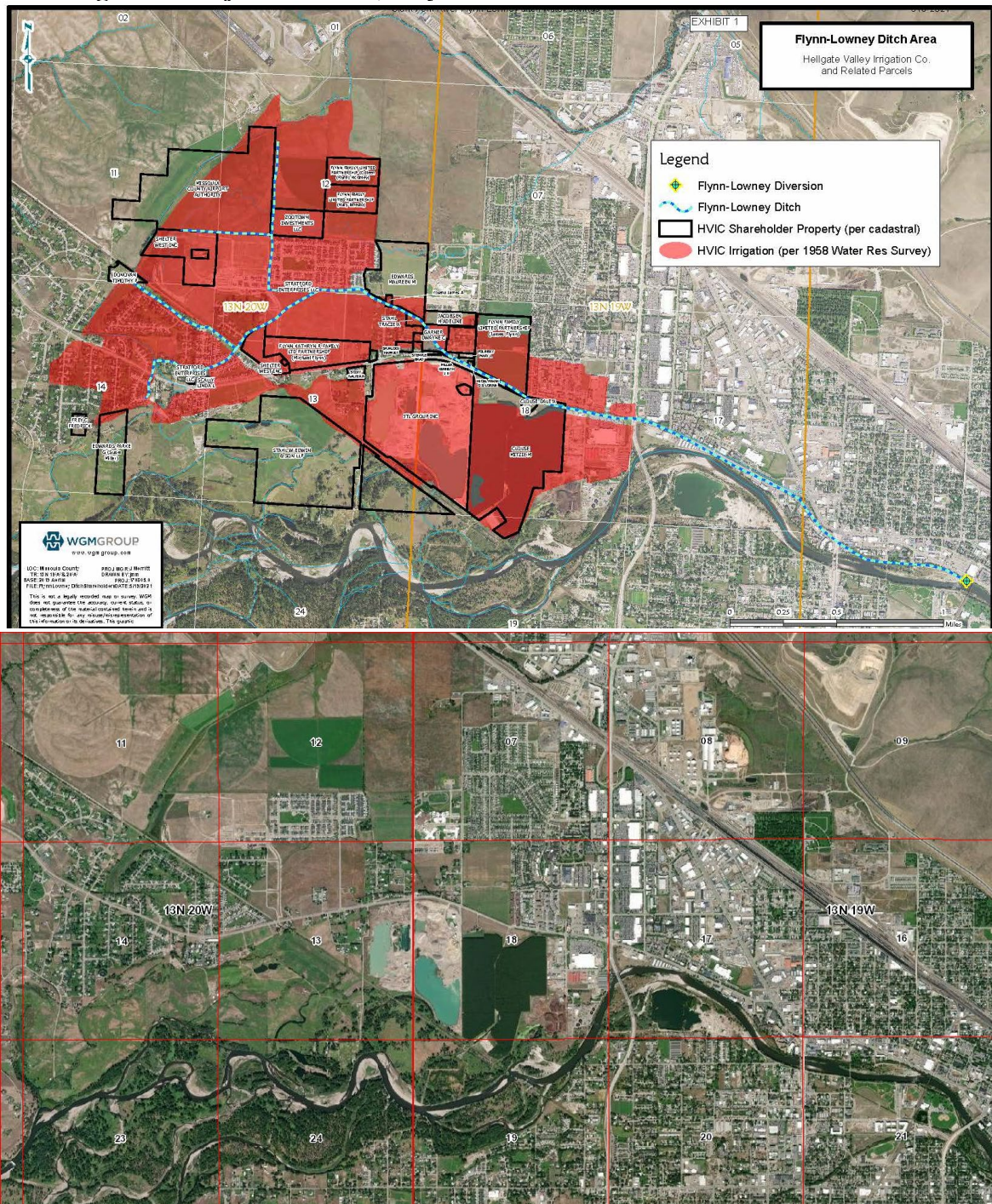
Current Status of Project Design (% complete): 25%

4. Location affected by proposed action (county, range and township – included map):

Missoula County; Township 13N, Range 19W, Sections 17, 18, 21

Missoula County; Township 13N, Range 20W, Sections 12, 13, 14

Figure 1. Project Location, City of Missoula



5. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/ Woodlands/Recreation	<u>0</u>	Irrigated cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Dry cropland	<u>0</u>
		Forestry	<u>0</u>
		Rangeland	<u>0</u>
		Other (ditch system)	<u>1</u>

6. **Permits, Funding & Overlapping Jurisdiction.**

- (a) **Permits:** permits will be filed at least 2 weeks prior to project start.
- | | |
|--------------------|---------------------------|
| <u>Agency Name</u> | <u>Permits</u> |
| MT DNRC | Water Right Change Permit |
- (b) **Funding:**
- | | |
|----------------------------------|-----------------------|
| <u>Agency Name</u> | <u>Funding Amount</u> |
| Montana Fish, Wildlife and Parks | \$50,000 (FFIP grant) |
| City of Missoula | \$625,000 |
- (c) **Other Overlapping or Additional Jurisdictional Responsibilities:**
- | | |
|--------------------|-------------------------------|
| <u>Agency Name</u> | <u>Type of Responsibility</u> |
|--------------------|-------------------------------|

7. **Narrative summary of the proposed action:**

The Flynn-Lowney ditch is an irrigation canal with a diversion point located within the city of Missoula just downstream of a major tributary stream (Rattlesnake Creek). The ditch has a capacity in excess of 40 cfs and a length of approximately 4.5 miles, and is managed by the Hellgate Valley Irrigation Company. The City of Missoula has offered to buy the assets of the irrigation company and allow the irrigation company to use some of the proceeds to provide alternative water sources (e.g. wells) to legal water users in the area and pay other shareholders for forfeiting their ability to use water. Collectively, the water users have agreed to these changes and signed agreements with the City of Missoula. This EA is focused on the water right purchase that will be facilitated using FFIP funding. Once wells are in place, the Flynn-Lowney ditch and its diversion point would be decommissioned. The goals of this project are to continue to meet irrigation demand and satisfy agreements with legal water right holders, eliminate the operation and maintenance burden for the irrigation company, eliminate ongoing Clark Fork River channel alterations associated with operation and maintenance, retain additional water in the Clark Fork River, and permanently eliminate fish entrainment in the ditch system. The Clark Fork River contains westslope cutthroat trout, bull trout, rainbow trout, brown trout, mountain whitefish,

largescale sucker, longnose sucker, northern pikeminnow, redbside shiners, and other native and sport species . Past and current fish entrainment and loss are considered to be substantial.

9. Description and analysis of reasonable alternatives:

Alternative A: If no funding is provided through the FFIP, either the applicant would have to seek additional sources of funding to complete the project, or the affected area of the Clark Fork River and Flynn-Lowney ditch would remain impaired, including reduction in Clark Fork River instream flows, ongoing channel alterations associated with maintenance, and fish entrainment.

Alternative B: The proposed alternative intends to provide partial funding through the FFIP to improve the Clark Fork River.

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

None

PART II. ENVIRONMENTAL REVIEW CHECKLIST

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				
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				
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				X
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1a. Proposed project will reduce artificial modification and impacts to the Clark Fork River associated with ditch operation and maintenance.

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				
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 regulations? (Also see 2a.)		X				

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				
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				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X			X
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?			X			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		X	X
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				X
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				X
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
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.)		X				

3d. The amount of surface water is likely to increase in the Clark Fork River due to water savings associated with ditch decommissioning.

3f and 3k. Several water users plan to drill wells to compensate for lack of ditch water availability once applications for water right changes are authorized by DNRC. This may locally reduce groundwater volume, but is considered insignificant given the size and magnitude of the Missoula Valley aquifer; additionally, the project is expected to reduce overall consumptive use.

3i and 3j. Existing water rights will be modified due to this project, but authorizations will be obtained by DNRC in accordance with all regulations and laws. Water users wishing to retain water rights will be protected.

3k. When the ditch system is decommissioned, any unauthorized water users (those with no legal water right) extracting surface water from ditch will be negatively affected without compensation.

4. VEGETATION 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			X
b. Alteration of a plant community?			X			X
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?			X			X
e. Establishment or spread of noxious weeds?		X				X
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?			X			X
g. Other:		X				

4a, 4b & 4f. Many sections of the canal system artificially support riparian vegetation, aquatic plants and associated peripheral wetlands. These unnatural and unintended features will be impacted eliminated with the project. However, individual landowners may choose to continue watering vegetation on their properties through normal irrigation practices.

4d. Current agricultural use of diverted water is much reduced relative to historic levels due to urbanization and changes in land use. However, as described above, remaining agricultural users will be fully compensated and have agreed to the proposed project.

4e. Spread of noxious weeds via flow in the canal system will be eliminated when the diversion is decommissioned.

5. <u>FISH/WILDLIFE</u> 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		X	X
b. Changes in the diversity or abundance of game animals or bird species?			X			X
c. Changes in the diversity or abundance of nongame species?			X			X
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
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. As referenced above, the ditch system creates an artificial, primarily seasonal riparian thread along its course that is utilized by some wildlife species. For instance, piscivorous birds and mammals use portions of the ditch as a food source (e.g., when fish are stranded during annual water shut-off). These food sources and potential impacts are short term and minor as natural waterways and similar natural habitats lie in close proximity and are abundant in the Missoula Valley.

5b and 5c. This project is expected to reduce entrainment of both game and nongame fish species. This is expected to have a positive impact on fish and other aquatic species, as they will remain in the river and not suffer losses to mortality in the ditch system.

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				
b. Exposure of people to serve 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				

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				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				

7a. As described above, remaining agricultural and other water users will be fully compensated and have agreed to the proposed project.

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			X
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				

8a. Any existing human health risks related to an open, large ditch system (e.g., drowning) will be eliminated with implementation of the project.

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				

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			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		X				
f. Define projected maintenance costs.		X				X

10a & 10f. The proposed project would result in reduction in needed government services and infrastructure associated with ditch maintenance and local infrastructure accommodations in an urban setting. Project would also eliminate maintenance costs associated with ditch.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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			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				

11b. As mentioned above, unintended riparian, vegetative, and aesthetic qualities associated with canal will be impacted in some ditch sections along private properties when water supply is eliminated. However, local landowners may choose to provide alternative irrigation on individual properties as needed and allowed.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
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				

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.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed water right changes will protect individual water rights while also improving Clark Fork River streamflow, reducing physical river habitat impacts, and reducing fish entrainment and loss in the canal system. Therefore, it is not expected to have significant adverse effects. Cumulative long term impacts are considered beneficial.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

This project is expected to have positive impacts and public support. Therefore, a 30-day public comment will be used. A copy of this Environmental Assessment will be posted on the FWP Public Notices webpage. Copies of this environmental assessment will be sent to interested parties to ensure their understanding and support of the proposed project.

The public also has the ability to comment on the project proposals through the Future Fisheries Improvement Program grant process (from application submission to Fish & Wildlife Commission approval).

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

2. Final EA process:

If no substantive or adverse comments are received prior to the conclusion of the comment period, this draft EA will become final. The comment period ends at 11:59 PM on September 30, 2021.

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.

2. Person(s) responsible for preparing the EA: Michelle McGree, Ladd Knotek (FWP)

3. List of agencies or offices consulted during preparation of the EA:

- a. FWP; other agencies contacted and consulted during the application process and during permitting activities (e.g. Montana DNRC – Water Resources)
- b. City of Missoula