8/00

Montana Fish, Wildlife and Parks
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ENVIRONMENTAL ASSESSMENT

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Issue Stream Protection Act 124 Permit to Bureau of Reclamation and Army Corps of Engineers to Repair Lateral Scour Areas within the Intake Bypass Channel

Application Date: 12/08/2022

Name, Address and Phone Number: Kenneth M Backes
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406-234-0925

Project Location: Dawson County within the Intake Bypass Channel at Intake Diversion Dam on the Yellowstone River.

Description of Project:

The U.S. Army Corps of Engineers (USACE) and the U.S. Bureau of Reclamation (Reclamation) are proposing to fix five areas of significant erosion that occurred in the Lower Yellowstone Fish Bypass Channel. The erosion occurred during the 2022 runoff season. All five areas will be rebuilt to original lines and grades then reinforced with riprap and bedding material to prevent further erosion from occurring. Construction is expected to begin sometime in January and be completed by mid-April when existing in-water work restrictions kick in. All work will be completed in the wet with no dewatering or coffer dams being necessary.

The proposed work is necessary to ensure the long-term operation of the Lower Yellowstone Bypass Channel which is a project designed to provide passage past Intake Diversion Dam for the endangered pallid sturgeon.

Alternatives to Proposed Action:

1) Repair all erosion areas
2) Repair only erosion areas 3-5
3) Do nothing

Reclamation and the USACE chose to proceed with repairing all of the erosion areas. Agency engineers agree there would be significant risks to letting the erosion areas to continue without intervention. If the erosion were to continue the bypass channel would continue to widen, reducing depths and velocities at critical points that could lead to fish passage limitations.

For this EA, alternatives to issuing the SPA124 Permit include:

1. Deny the permit – this alternative would leave the scour areas as is for at least the 2023 water year, impacting water depth, water velocities, and flow spit between the river and bypass channel. Additional stream bank scour could result in 2023, further impacting water conditions within the channel that could restrict fish passage opportunities and success criteria for the bypass channel.
2. Issue a 124 Permit for work proposed in the application. The proposed action has few perceived negative effects and improves the intended goal of the project which is improving fish passage at Intake Diversion Dam. This work will also occur within the original construction and warranty period established for the original construction calendar.

Other groups or agencies contacted or which may have overlapping jurisdiction: US Army Corps of Engineers for a 404 permit and DEQ for a 318 Water Quality Permit

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X		X	X
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
8. Air quality or objectional odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Projects on the Yellowstone River at Intake have the potential to impact the presence of endangered pallid sturgeon or disrupt pallid sturgeon migrations. This project will be completed within the newly constructed bypass channel, during low flow periods, and outside the migration period which are adequate mitigation measure to prevent direct impacts to pallid sturgeon presence. Furthermore, the bypass channel was engineered and built to provide upstream and downstream passage of pallid sturgeon around Intake Diversion Dam. Proposed repairs during the low flow winter months minimizes potential impacts to pallid sturgeon presence and increases the likelihood that pallid sturgeon spawning migrations in 2023 and beyond are successful through the bypass channel.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities				X		
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

NA

Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?

No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

No

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

Alternatives listed and discussed above.

EA prepared by: Kenneth M Backes

Date Completed: 12/19/2022

PART 3. EA PREPARATION

Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?
No. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts from the proposed project. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur, growth-inducing or growth inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, and precedent that would be set as a result of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. Therefore, an EA is the appropriate level of review and an EIS is not required.

DECISION NOTICE

Project: Issue 124 SPA Permit to Bureau of Reclamation and Army Corps of Engineers to Repair Lateral Scour Areas within the Intake Bypass Channel

Prepared By: Kenneth Backes - Montana Fish, Wildlife and Parks

I. Proposal

Issue a Stream Protection Act 124 Permit the Bureau of Reclamation and Army Corps of Engineers to hire a contractor to repair scour areas within the Intake Bypass Channel.

II. Montana Environmental Policy Act (MEPA)

MEPA requires FWP to assess the potential consequences of this proposed action for the human and natural environment. The proposal was detailed in a draft Environmental Assessment (EA) completed by FWP on December 19, 2022. A 30-day comment period for this EA is not required based on no perceived negative environmental or human impacts from issuing a SPA 124 Permit and secondly the project is not considered controversial. The EA and this Decision Notice will serve as the final document.

III. Summary of Public Comment

NA

IV. Decision

It has been decided to issue a Stream Protection Act 124 Permit the Bureau of Reclamation and Army Corps of Engineers to hire a contractor to repair scour areas within the Intake Bypass Channel.

Kenneth Backes

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Cc. Environmental Quality Council
Montana Fish, Wildlife & Parks