-PUBLIC SCOPING NOTICE-

Department of Interior, Bureau of Reclamation
Department of Army, Corps of Engineers
Intake Diversion Dam Modification, Lower Yellowstone Project EIS

The Bureau of Reclamation (Reclamation) and the Corps of Engineers (Corps) propose to jointly prepare an Environmental Impact Statement (EIS) that analyzes the effects associated with modifications to Intake Diversion Dam (Intake). The proposed Federal action is to modify Intake Diversion Dam and canal headworks to improve passage and reduce entrainment (fish lost into the irrigation system) for pallid sturgeon and other native fish in the lower Yellowstone River. This scoping document notifies interested or affected parties of the proposal, provides information about the proposed action, and solicits comments to help identify potentially significant issues. Potentially significant issues are issues that may result in significant environmental impacts should the proposed Federal action be implemented. This Federal action is subject to the requirements of the National Environmental Policy Act (NEPA). Your substantive comments will help Reclamation determine appropriate alternatives to evaluate the effects of this action.

Background

Reclamation's Lower Yellowstone Project (Project) is located in eastern Montana and western North Dakota. Intake is located approximately 70 miles upstream of the confluence of the Yellowstone and Missouri Rivers near Glendive, Montana. The Project was authorized by the Secretary of the Interior on May 10, 1904. Construction of the Project began in 1905 and included Intake Diversion Dam (also known as Yellowstone River Diversion Dam) – a 12-foot high wood and stone diversion dam that spans the Yellowstone River and diverts water into the Main Canal for irrigation. The Project was authorized to provide a dependable water supply sufficient to irrigate approximately 52,000 acres of land on the benches above the west bank of the Yellowstone River. Water is also supplied to irrigate approximately 830 acres in the Intake Irrigation Project and 2,200 acres in the Savage Unit. Both of the smaller irrigation projects pump water from the Main Canal. The average annual volume of water diverted for these projects is about 327,000 acre-feet.

The U.S. Fish and Wildlife Service (Service) listed the pallid sturgeon in 1990 as endangered under the Endangered Species Act of 1973 (ESA). The wild population of pallid sturgeon inhabiting the Yellowstone River and the Missouri River between Ft. Peck Dam and Lake Sakakawea are anticipated to become extinct by 2017 if reproduction and recruitment of young fish does not improve. The best available science suggests Intake impedes upstream migration of pallid sturgeon and their access to spawning and larval drift habitats. In addition, previous entrainment studies on other native fish in the Yellowstone River suggest that once passage is provided, pallid sturgeon may be entrained in the Main Canal.

The lower Yellowstone River is considered to provide one of the best opportunities for recovery of pallid sturgeon. Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for listed species. Reclamation has been in informal consultation with the Service to identify potential conservation measures to minimize adverse effects to pallid sturgeon associated with continued operation of the Project on the Yellowstone River. The Pallid Sturgeon Recovery Plan specifically identifies providing passage at Intake Diversion Dam to protect and restore pallid sturgeon populations. By providing passage at Intake, approximately 160 river miles of habitat would become available in the Yellowstone River to pallid sturgeon and other fish species. By installing fish entrainment reduction measures, pallid sturgeon entrainment in the Main Canal would be minimized.

The Service recommended in their 2003 amendment to the Missouri River Master Manual Biological Opinion that the Corps assist Reclamation in providing passage for pallid sturgeon at Intake Diversion Dam as a conservation recommendation. Section 3109 of the 2007 Water Resources Development Act

authorizes the Corps to use funding from the Missouri River Recovery and Mitigation Program to assist Reclamation with compliance, design, and construction of modifications to the Lower Yellowstone Project for purposes of ecosystem restoration.

Reclamation initiated a collaborative effort with the Service; Corps; Montana Fish, Wildlife and Parks; Lower Yellowstone Irrigation District; and The Nature Conservancy through a Memorandum of Understanding (MOU) signed on July 8, 2005. Reclamation coordinated a value planning study in August 2005 with representatives from parties signatory to the MOU to explore and evaluate a broad range of alternatives for fish passage and entrainment reduction.

Preliminary alternatives to improve fish passage include the following:

- Passage around the existing diversion dam;
- Relocate the diversion dam and canal headworks to take advantage of hydrology and topography;
- Remove the dam and construct single or multiple pumping plants; and
- Variations of a low-gradient rock ramp in the river.

Preliminary alternatives to reduce fish entrainment include the following:

- A fish screen structure in the Main Canal with fish bypass to the river; and
- A rotary fish screen on the bank of the river.

What is Reclamation proposing to do?

The proposed Federal action is to modify Intake Diversion Dam and canal headworks, features of Reclamation's Lower Yellowstone Project, to improve passage and reduce entrainment for endangered pallid sturgeon and other native fish in the lower Yellowstone River.

What is the Purpose of This Federal Action?

The purpose of the proposed Federal action is to correct unsatisfactory passage and entrainment conditions for endangered pallid sturgeon and other native fish at Lower Yellowstone Diversion Dam (Intake) and canal headworks.

Why is the Proposed Federal Action Needed?

The proposed Federal action is needed to:

- Minimize fish entrainment (incidental entrapment) into the irrigation canal.
- Improve fish passage.
- Continue the authorized operation of the Lower Yellowstone Project.
- Ensure that continued operation of the Lower Yellowstone Project complies with the ESA.
- Contribute to Yellowstone River ecosystem restoration.

Preliminary Issues and Potential Effects

Preliminary scoping has begun to identify potentially-significant issues and potential effects of the proposed Federal action. Reclamation intends to identify and analyze all potentially significant issues.

The following list contains potentially significant issues. However, issues and potential effects may not be limited to those currently identified. Reclamation invites suggestions for other potentially-significant issues and potential effects that interested parties believe should be addressed in the NEPA compliance document.

How does the proposed Federal action at Intake affect:

- Aquatic communities and habitats in the lower Yellowstone River?
- Delivery of irrigation water for the Lower Yellowstone Project?
- Continued operation and viability of irrigated agriculture in the project area?
- Water-based recreation, such as changes to boat ramp changes or angling opportunities?

- Economic condition related to paddlefish caviar industry?
- Social and economic conditions in communities associated with construction and long-term operations and maintenance, including paddlefish caviar harvest and concession activities?
- Short-term and long-term impacts on surface water quality?
- Floodplain, wetland, and riparian communities?
- Water quantity associated with operations and climate change?
- Land based recreation, including cumulative effects of other Federal, state, and private actions in the basin?

Lead and Cooperating Agencies
Reclamation and the Corps of Engineers will be joint lead Federal agencies for preparation of the NEPA compliance document. The U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency, Montana Department of Environmental Quality, Montana Department of Natural Resource and Conservation, and Montana Fish, Wildlife, and Parks have participated in preliminary agency scoping discussions and will be formally invited to participate as cooperating agencies.

Comments Requested
The affected and interested public is invited to take part in the NEPA compliance process and are encouraged to communicate with Reclamation at any time prior to the decision. Reclamation will be seeking information, comments, and assistance from Federal, tribal, state, and local agencies and other individuals or organizations that may be interested in, or affected by, the proposed Federal action.

This scoping document and request for comments is being mailed to agencies, groups, and individuals thought to have an interest in the proposed Federal action. Reclamation has scheduled three public scoping meetings to provide interested parties opportunities to learn more about the proposed Federal action and to identify potentially-significant issues, possible alternatives, and potential environmental effects associated with the proposed Federal action and alternatives. **Scoping meetings will be held from 5:30-8:30 pm at the following times and locations.**

- **October 21, 2008 – Sidney**
  Community Services Building
  1201 West Holly

- **October 22 – Glendive**
  Dawson Community College – Ullman Center, Room 102
  300 College Drive

- **October 23, 2008 - Billings**
  Montana State University Billings Downtown Campus
  207 North Broadway

Scoping meetings will be open house with a brief formal presentation beginning at 7:00 p.m.

In addition, a site visit to the project location at Intake, MT. will be held from 2:30 - 3:30 p.m. on October 22. Representatives from the U.S. Army Corps of Engineers and Bureau of Reclamation will be available to answer questions and explain the proposed project on site.

Written comments can be submitted during the public scoping meetings or mailed to Paula Holwegner, Bureau of Reclamation, P.O. Box 30137, Billings MT 59107, faxed to (406) 247-7668, or sent via e-mail to IBR6MTADLWRYELL@gp.usbr.gov.