United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Flathead Agency
P.O. Box 40,
Pablo, Montana 59855

IN REPLY REFER TO:
Agency Superintendent
P: (406) 675-2700

Notice of Availability and Decision Statement
Final Environmental Assessment
Lower Jocko J Diversion Area Improvements
September 16, 2024

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing a Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the proposed project to replace the Lower Jocko J Diversion, implement other irrigation improvements at the Lower Jocko J Canal, and address degraded habitat in the area through restoration and enhancement strategies. The Final EA and FONSI have been prepared to fulfill responsibilities under, and comply with, the National Environmental Policy Act of 1969, as amended (NEPA).

SUPPLEMENTARY INFORMATION: The current Lower Jocko J Diversion structure is a low head diversion of rail and timber construction, creating a log crest across the river. The crest controls the river water surface elevation, causing water to flow into a long forebay approach channel upstream of the headworks. Flathead Indian Irrigation Project (FIIP) releases water into the Lower Jocko J Canal at the headworks by opening the headgate. The existing configuration results in fisheries concerns, debris accumulation near the head of the forebay, and sediment deposition upstream of the diversion and in the forebay. The Lower Jocko J Canal in the project area also has capacity constraints and is hydraulically inefficient. Additionally, previous land management practices (e.g., farming, grazing, and mining activities) have resulted in substantial changes to habitat communities within the area, deposition of mine waste within the floodplain, changes in topography, and are contributing to Jocko River bank erosion.

FINDING: Pursuant to Title 25 (Indians), implementing procedures in 516 Departmental Manual and 59 Indian Affairs Manual 3-H (BIA NEPA Guidebook) codified at 43 Code of Federal Regulations (CFR) Part 46, and the regulations issued by the Council on Environmental Quality (CEQ), 40 CFR Parts 1500–1508, this notice advises the public of our finding that the action described above will not significantly affect the quality of the human environment. The Proposed Action Alternative will result in negligible to moderate, beneficial and adverse effects to several resources. The BIA will implement measures that are discussed in the Final EA and FONSI to mitigate these effects. The environmental impacts of disapproving (the No Action Alternative) and approving (the Proposed Action Alternative) the Project were considered in the Final EA pursuant to NEPA and CEQ regulations for implementing NEPA. The Final EA and FONSI will be available for review for

a period of 30 days upon posting of this notice at the BIA Flathead Agency Office and on the Confederated Salish and Kootenai Tribes website: csktwatercompact.com. The decision has been made to go forward with the Proposed Action Alternative based on the content of the Final EA and issuance of the FONSI. This decision will become final 30 days after posting of this notice. Members of the public determined to have standing may appeal this decision to the BIA pursuant to appeal procedures published at 25 CFR Part 2. If an appeal is filed, the notice of appeal must be filed in writing to this office within 30 days of posting of this notice and addressed as follows:

Bryan Mercier, Director
Bureau of Indian Affairs, Northwest Region Office
911 Northeast 11th Avenue
Portland, OR 97232-4169

FOR FURTHER INFORMATION CONTACT:

Shane Hendrickson, Superintendent, BIA Flathead Agency, at P.O. Box 40, Pablo, Montana 59855; by phone at (406) 675-2700; or by email at shane.hendrickson@bia.gov