



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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**JUL 28 2016**

Ref: 8EPR-N

Tiffany Vanosdall, Project Manager  
US Army Corps of Engineers, Omaha District  
1616 Capitol Ave.  
Omaha, NE 68102

David Trimpe, Project Manager  
Bureau of Reclamation, Great Plains Regional Office  
P.O. Box 36900  
Billings, MT 59107-6990

Re: Lower Yellowstone Intake Diversion Dam Fish Passage Project Draft Environmental Impact Statement, CEQ # 20160117

Dear Ms. Vanosdall and Mr. Trimpe:

The U.S. Environmental Protection Agency Region 8 has reviewed the Draft Environmental Impact Statement (Draft EIS) developed by the US Army Corps of Engineers (USACE) and Bureau of Reclamation (Reclamation) for the Lower Yellowstone Intake Diversion Dam Fish Passage Project. In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), the EPA has reviewed and rated this Draft EIS.

### **Background**

The project is located on the Yellowstone River at the Lower Yellowstone Intake Diversion Dam in Dawson County, Montana. The proposed action is designed to restore historical spawning migration patterns of the endangered pallid sturgeon and other native aquatic organisms by developing a bypass around the existing dam while maintaining the current water diversions for agricultural irrigation. The existing weir dam structure was constructed in 1905, and the project additionally proposes to replace the timber weir structure with a concrete weir.

### **Recommendations for consideration**

The EPA acknowledges that many of its comments during scoping have been addressed in the Draft EIS. The increased detail in the Draft EIS provides greater insight into the decision process, and the expanded range of alternatives is informative to the public and decision makers. The EPA supports the efforts to recover the pallid sturgeon population in the Yellowstone River and understands the necessity for timely action to meet that goal. Below are the EPA's comments and recommendations for the Final EIS.

## **Climate Change**

The Draft EIS does not thoroughly evaluate the effects of climate change on the competing purposes for this project: pallid sturgeon recovery and continued irrigation water supply for agriculture. Specifically, the EPA recommends that the Final EIS evaluate in the main body of the EIS and Adaptive Management Strategy how any diminished flows to the Yellowstone River as a result of climate change could result in constraints in meeting the demands necessary for both purposes and what measures or strategies would be implemented to mitigate the effects.

## **Adaptive Management and Monitoring**

The Draft Adaptive Management Strategy is useful for understanding the approach that the USACE and Reclamation will take to evaluate the effects of the project on pallid sturgeon. The strategy identifies that monitoring of the pallid sturgeon will continue for 6+ years as part of its long-term monitoring timeline. During that time, Reclamation will present annual status reports on the effectiveness of the project. It is not specified how long the monitoring or the status reports will continue. As we commented in our scoping letter, it is likely that 15-20 years of monitoring will be necessary to evaluate long-term recruitment success. We continue to recommend that a minimum long-term monitoring effort be specified as part of the strategy.

## **Closing**

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed project, the EPA is rating the Draft EIS Preferred Alternative (Bypass Channel) as Lack of Objections (LO). The "LO" rating indicates that the EPA review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. A description of the EPA's rating system can be found at: <https://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We appreciate the opportunity to participate in the review of this project, and are committed to working with you as you prepare the Final EIS. If we may provide further explanation of our comments during this stage of your planning process, please contact me at 303-312-6704, or your staff may contact Matt Hubner at 303-312-6500 or [hubner.matt@epa.gov](mailto:hubner.matt@epa.gov).

Sincerely,



Philip S. Strobel  
Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation

