

NRDP Funding Recommendation for the Harvey Creek Irrigation Efficiency and Fish Passage Project

November 2019

Background and Project Summary

The Natural Resource Damage Program (NRDP) is partnering with Trout Unlimited (TU) and the Harvey Creek Ranch on an irrigation efficiency, fish passage, and instream flow improvement project that will reduce Harvey Creek Ranch's irrigation water demand from 18 cubic feet per second (cfs) to approximately 4 cfs, protecting instream up to 14 cfs on the lower 2.1 miles of Harvey Creek. The project is in a Group 1, or highest priority, project that addresses flow between Flint Creek to Rock Creek, which is an area of concern and restoration focus based on the recently completed trout movement study. This project would partially implement Section 3.2.1 of the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans* (Restoration Plans). See attached figure for project location.

Harvey Creek is an important tributary of the Clark Fork River with genetically pure native bull trout and westslope cutthroat trout populations. The majority of the Harvey Creek watershed lies on national forest lands with approximately three miles of stream running through private lands near the mouth, including two miles on the Harvey Creek Ranch. Historically, seven irrigation diversions on the Harvey Creek Ranch entrain fish, severely reducing the potential for recruitment of Harvey Creek fish to the Clark Fork River. Since 2010, NRDP and TU have been working with Harvey Creek Ranch to reduce fish entrainment, improve fish passage, and increase instream flows with the implementation of a number of projects including riparian fencing, installation of a fish screen and headgate, construction of a rock irrigation diversion, irrigation efficiency improvements, and performing due diligence on Harvey Creek Ranch water right to support a water right change application.

In December 2017, TU on behalf Harvey Creek Ranch submitted a change authorization application to DNRC. DNRC issued their complete and correct determination in April of 2019. DNRC has verbally stated they intend to issue a preliminary determination (which will be subject to a public notice period) in the near future. NRDP and TU are not anticipating any objections and anticipates the change application to be approved by DNRC.

Based on the lease agreements with the Harvey Creek Ranch final lease payment of \$141,219 is to be paid upon DNRC approval of the change application, consideration of this funding recommendation by the public, the UCFRB Advisory Council and the Trustee Restoration Council, and approval of the Governor. This payment is for the final irrigation improvements that are required to reduce the points of diversion to a single, screened diversion, and replace the ditches with one main pipe that would reduce the irrigation diversion to not more than 4.0 cfs and protect instream up to 14 cfs on the lower 2.1 miles of Harvey Creek.

The Restoration Plan requires flow projects with water right changes to successfully go through the DNRC's change authorization process prior to NRDP's funding recommendation being considered by the public, the UCFRB Advisory Council and the Trustee Restoration Council,

and final funding decision by the Governor. Public comment for expenditure of Restoration Funds for this project will start on October 4, 2019, and run through November 4, 2019, with the public comments received presented to the councils and the Governor for their consideration. As noted above, DNRC will hold a separate public comment period specifically for the water rights change application.

Wildlife and Fisheries Habitat Assessment:

Funding this project will improve recruitment of bull trout and westslope cutthroat trout to the Clark Fork River, protect genetically pure resident fish populations in Harvey Creek, and improve the contribution of cold clean water from Harvey Creek to the Clark Fork River in the reach between Flint Creek to Rock Creek, which is an area of concern and restoration focus.

Project Evaluation

Cost-Benefit, Cost-Effectiveness Relationship, and Technical Feasibility: This project is the culmination of almost ten years of working partnership between NRDP, TU, and the Harvey Creek Ranch. This project will annually add significant flow to Harvey Creek and the Clark Fork River. The cost (\$141,219) is a small contribution from the Aquatic Flow allocation that would realize a significant (~14 cfs) flow to Harvey Creek and the Clark Fork River. This project is also technically feasible as the water will be available through the implementation of irrigation improvement projects.

Public support: The public comments received for the consideration of this funding recommendation will be presented to the councils and the Governor for their consideration. Additionally, the DNRC will hold a public notice period for the change application.

NRDP Funding Recommendation Summary

The NRDP recommends funding of this project for \$141,219 based on the following funding condition.

- DNRC approval of the Water Right Change Application No. 76G 30117054, No. 76G 30117057, and 76G 30113302.

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PROJECT AREA

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HARVEY CREEK IRRIGATION EFFICIENCY and FISH PASSAGE PROJECT

