

## Appendix A. Comments and Responses

## Appendix A1. Notice of Intent

responsible Agency or USDA TARGET Center at (202) 720-2600 (voice and text telephone) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any phone). Additionally, program information may be made available in languages other than English.

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**Nathan Jones,**

*North Dakota Acting State Conservationist, Natural Resources Conservation Service.*

[FR Doc. 2023-13129 Filed 6-20-23; 8:45 am]

**BILLING CODE 3410-16-P**

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**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**[Docket No. NRCS-2023-0010]**

**Notice of Intent To Prepare an Environmental Impact Statement for the St. Mary Canal Modernization Project, Glacier County, MT**

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice of intent (NOI) to prepare an environmental impact statement (EIS).

**SUMMARY:** The Natural Resources Conservation Service (NRCS) Montana State Office, in coordination with the U.S. Bureau of Reclamation, announces its intent to prepare a Watershed Plan and EIS for the St. Mary Canal Modernization Watershed Project (Milk River Project), located east of Babb, in Glacier County, Montana. The proposed Watershed Plan will examine alternatives through the EIS process for improving the St. Mary Canal system to provide for agricultural water management. NRCS is requesting comments to identify significant issues,

potential alternatives, information, and analyses relevant to the proposed action from all interested individuals, Federal and State agencies, and Tribes.

**DATES:** We will consider comments that we receive by August 7, 2023. Comments received after close of comment period will be considered to the extent possible.

**ADDRESSES:** We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for docket ID NRCS-2023-0010. Follow the online instructions for submitting comments; or

- *Mail or Hand Delivery:* Alyssa Fellow, Environmental Compliance Specialist, 10 East Babcock Street, Room 443, Bozeman, MT 59715. For written comments, specify the docket ID NRCS-2023-0010.

All comments received will be posted without change and made publicly available on [www.regulation.gov](http://www.regulation.gov).

**FOR FURTHER INFORMATION CONTACT:**

Alyssa Fellow; telephone: (406) 587-6712; email: [Alyssa.Fellow@usda.gov](mailto:Alyssa.Fellow@usda.gov) for questions related to submitting comments; or visit the project website: <https://www.milkriverproject.com/projects/watershed/>. Individuals who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

**SUPPLEMENTARY INFORMATION:**

**Purpose and Need**

The primary purpose of the proposed watershed project is to improve agricultural water management by rehabilitating and modernizing the St. Mary Canal along its existing alignment in Glacier County, Montana. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566), as amended, and the Flood Control Act of 1944 (Pub. L. 78-534).

The proposed project is needed due to existing St. Mary Canal system inadequacies, as well as the risk of infrastructure failure. The current St. Mary Canal system inadequacies have reduced the water delivery reliability to users who rely on the St. Mary Canal for agricultural, municipal, residential, industrial, and recreational uses. Failure could lead to environmental damage on the Blackfeet Indian Reservation, the St.

Mary River, and the North Fork Milk River.

The Milk River Joint Board of Control (MRJBOC) is the umbrella organization that works with the U.S. Bureau of Reclamation to operate and maintain the St. Mary Canal for the users that receive Milk River Project water. Milk River Project water diverted from the St. Mary River is conveyed through the St. Mary Canal to the North Fork Milk River. The Milk River Project supplies water to approximately 120,000 acres, including eight irrigation districts, the Blackfeet Indian Reservation, numerous private irrigators, several municipalities, and the Bowdoin National Wildlife Refuge.

The proposed Milk River Project will address the deteriorating state of the St. Mary Canal and associated infrastructure including the 29 mile St. Mary Canal, siphons, and concrete drops. Most of the structures have exceeded their design life and require major repairs or replacement. Aging of the St. Mary Canal system has resulted in reduced flow rates from the original design of 850 cubic feet per second (cfs) to around 600 cfs. The steel siphons are at risk of failure due to slope stability problems and leaks, and the concrete in three of the five drop structures are severely deteriorating. According to a report published by the Montana Department of Natural Resources and Conservation (DNRC), many hydraulic components of the conveyance system have an elevated risk of failure with potential damages ranging from minor to catastrophic (DNRC 2010).<sup>1</sup>

Agriculture is an essential part of the north-central Montana economy and agricultural production depends on the structural integrity of the St. Mary Canal and associated infrastructure. Water diverted from the St. Mary River and conveyed to the North Fork Milk River through the St. Mary Canal comprises a range of 70-95 percent of the total flow in the Milk River, as measured in Havre, MT, from May through September, depending upon whether it was a dry or average year for precipitation (DNRC 2006).<sup>2</sup> Correspondingly, water conveyed through the St. Mary Canal comprises over half of the Milk River Project's water supply in an average year (Reclamation 2012).<sup>3</sup>

A Preliminary Investigation Feasibility Report (PIFR), completed in

<sup>1</sup> Montana Department of Natural Resources and Conservation (DNRC). 2010. *St. Mary Diversion and Conveyance Facilities Failure and O&M Reference Guide*. Helena, MT.

<sup>2</sup> DNRC. 2006. *St. Mary Diversion Facilities Data Review, Preliminary Cost Estimate, and Proposed Rehabilitation Plan*. Helena, MT.

<sup>3</sup> U.S. Bureau of Reclamation (Reclamation). 2012. *St. Mary River and Milk River Basins Study Summary Report*. Billings, MT.

2021, investigated and studied possible solutions to address agricultural water management for the St. Mary Canal and associated infrastructure. As a result of the information obtained during the PIFR process, the level of National Environmental Policy Act (NEPA) analysis required an EIS. Estimated federal funds required for the construction of the proposed action may exceed \$25 million. The proposed action will therefore require congressional approval per the 2018 Agriculture Appropriations Act amended funding threshold. In accordance with 7 CFR 650.7(a)(2), an EIS is required for projects requiring congressional approval.

#### Preliminary Proposed Action and Alternatives

The objective of the EIS is to formulate and evaluate alternatives for agricultural water management along the St. Mary Canal alignment. The alternatives were preliminarily identified through the PIFR process as likely to be evaluated in the EIS, given their anticipated viability of meeting the purpose and need of the proposed watershed project. The EIS is expected to evaluate three alternatives: two action alternatives or no action alternative. The alternatives that may be considered for detailed analysis include:

**Alternative 1—No Action:** Taking no action would consist of activities carried out if no Federal action or funding were provided. No watershed project would be implemented, and the St. Mary Canal and associated infrastructure would not be modernized.

**Alternative 2—Proposed Action:** This alternative would include the following system improvement measures including: canal lining and reshaping, siphon replacement, drop structure replacement, access road improvements, wastewater turnouts, underdrain replacements, and slide mitigation. Options for each measure would be evaluated.

**Alternative 3—Proposed Action:** This alternative would include the following system improvement measures including: canal reshaping (no lining), siphon replacement, drop structure replacement, access road improvements, wastewater turnouts, underdrain replacements, and slide mitigation. Options for each measure would be evaluated.

#### Summary of Expected Impacts

Initial cost estimates of the proposed actions have determined that the Federal contribution to construction will exceed \$25 million, requiring congressional approval. Per 7 CFR

650.7, an EIS is required when projects require congressional action. The NRCS Montana State Conservationist, has determined that the preparation of an EIS is required for this watershed project. An EIS will be prepared as required by section 102(2)(C) of NEPA; the Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR parts 622 and 650. In addition, the EIS will be prepared in accordance with the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies (PR&Gs, USDA NRCS 2017).<sup>4</sup> NEPA compliance will cover the analysis of various resource concerns listed below, while compliance with the PR&Gs will include additional assessments such as analyzing effects to ecosystem services and a National Economic Efficiency Analysis.

Environmental resources in the Milk River Project area consist of the natural and human-made environment. Resource issues identified through the PIFR process included water delivery efficiency issues, soil aggregate instability, soil organism habitat loss or degradation, surface water quality, and surface water quantity. Any additional resource issues will be identified and addressed in the EIS and potential for impacts will be analyzed for Cultural Resources, Economics, Soils, Land Use, Environmental Justice, Endangered and Threatened Species, Wildlife, Hydrology, Wetlands, Vegetation, and Climate Change.

#### Anticipated Permits and Authorizations

The following permits and authorizations are anticipated to be required:

- **Endangered Species Act (ESA) Consultation.** Consultation with the U.S. Fish and Wildlife Service will be conducted as required by the Endangered Species Act of 1973.

- **Tribal Consultation.** Consultation with the Blackfeet Tribe is required as the Canal lies completely within the Blackfeet Indian Reservation in Glacier County, MT. Required permits will be determined through consultation.

- **Section 106 Consultation.** Consultation with the Tribal Historic Preservation Office will be conducted as required by the National Historic Preservation Act (NHPA) of 1966.

- **Clean Water Act (CWA) Section 404 Permit.** Implementation of the proposed Federal action would require a CWA section 404 permit from the U.S. Army Corps of Engineers. Permitting with the U.S. Army Corps of Engineers regarding potential impacts will be finalized prior to final design and construction.

- **Ordinance 117 Permit.**

Implementation of the proposed Federal action would require an Aquatic Lands Protection Ordinance 117 permit from the Blackfeet Nation.

#### Schedule of Decision-Making Process

A Draft EIS (DEIS) will be prepared and circulated for review and comment by agencies, Tribes, consulting parties, and the public for at least 45 days as required by 40 CFR 1503.1, 1502.20, 1506.11, and 1502.17, and 7 CFR 650.13. The DEIS is anticipated to be published in the **Federal Register** approximately 6 months after publication of this NOI. A Final EIS is anticipated to be published within 6 months of completion of the public comment period for the DEIS.

NRCS will decide whether to implement one of the alternatives as evaluated in the EIS. A Record of Decision will be completed after the required 30-day waiting period and will be publicly available. The responsible Federal official and decision maker for the NRCS is the Montana NRCS State Conservationist.

#### Public Scoping Process

Public scoping meetings will be held in Browning, Havre, and Malta to determine the scope of the analysis presented in the EIS. Meetings are scheduled to occur in the summer of 2023 and will be held at selected public venues in each location. Exact meeting locations and times will be determined closer to the dates of the events. Public notices will be placed in local newspapers and on the NRCS, MRJBOC, and the U.S. Bureau of Reclamation websites. Additionally, a letter providing details on the public meetings and the scoping comment and objection processes will be sent to Federal and state agencies, Tribes, local landowners, and interested parties.

Public scoping meetings provide an opportunity to review and evaluate the Milk River Project alternatives, express concern or support, and gain further information regarding the Milk River Project. Comments received, including the names and addresses of those who comment, will be part of the public record. Comments submitted anonymously will be accepted and considered.

<sup>4</sup> USDA NRCS. (2017). *Guidance for Conducting Analyses Under the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies and Federal Water Resource Investments.* <https://www.usda.gov/directives/dm-9500-013>.

## Identification of Potential Alternatives, Information, and Analyses

NRCS, MRJBOC, and the U.S. Bureau of Reclamation invite agencies, Tribes, and individuals that have special expertise, legal jurisdiction, or interest, to provide comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action in writing.

NRCS, MRJBOC, and the U.S. Bureau of Reclamation will use the scoping process to help fulfill the public involvement process under section 106 of the NHPA (54 U.S.C. 306108), as provided in 36 CFR 800.2(d)(3). Information about historic and cultural resources within the area potentially affected by the proposed action and alternatives will assist NRCS, MRJBOC, and the U.S. Bureau of Reclamation in identifying and evaluating impacts to resources in the context of both NEPA and section 106.

Native American Tribal consultations will be conducted in accordance with Tribal policy, and Tribal concerns will be given due consideration. In addition, Federal, State, and local agencies, along with other stakeholders that may be interested or affected by NRCS, MRJBOC, or the U.S. Bureau of Reclamation decisions on this Milk River Project, are invited to participate in the scoping process. Eligible entities may request or be requested by the NRCS to participate as a cooperating or participating agency.

## Authorities

This document is published pursuant to the NEPA regulations regarding publication of a NOI to issue an EIS (40 CFR 1501.9(d)). This EIS will be prepared to evaluate potential environmental impacts as required by section 102(2)(C) of NEPA; the Council on Environmental Quality regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534).

## Federal Assistance Program

The title and number of the Federal Assistance Programs as found in the Assistance Listing,<sup>5</sup> to which this document applies is 10.904, Watershed Protection and Flood Prevention.

<sup>5</sup> See <https://sam.gov/content/assistance-listings>.

## Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of Executive Order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and to direct Federal development. This Watershed Plan is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

## USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and text telephone) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any phone). Additionally, program information may be made available in languages other than English.

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Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: [OAC@usda.gov](mailto:OAC@usda.gov).

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**Kyle Tackett,**

*Acting Montana State Conservationist,  
Natural Resources Conservation Service.*

[FR Doc. 2023–13130 Filed 6–20–23; 8:45 am]

BILLING CODE 3410–16–P

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 12:30 p.m. CT on Thursday, July 27, 2023, to discuss the Committee’s draft project proposal on housing affordability in the state.

**DATES:** Thursday, July 27, 2023, from 12:30 p.m.–1:30 p.m. Central Time.

**ADDRESSES:** The meeting will be held via Zoom.

*Registration Link (Audio/Visual):*  
<https://www.zoomgov.com/j/1612943387>.

*Join by Phone (Audio Only):* (833) 435–1820 USA Toll-Free; Meeting ID: 161 294 3387.

#### FOR FURTHER INFORMATION CONTACT:

David Barreras, Designated Federal Officer, at [dbarreras@usccr.gov](mailto:dbarreras@usccr.gov) or (202) 656–8937.

**SUPPLEMENTARY INFORMATION:** This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over landline connections to the toll-free telephone number. Closed captioning

## Appendix A2.Scoping

# Scoping Report

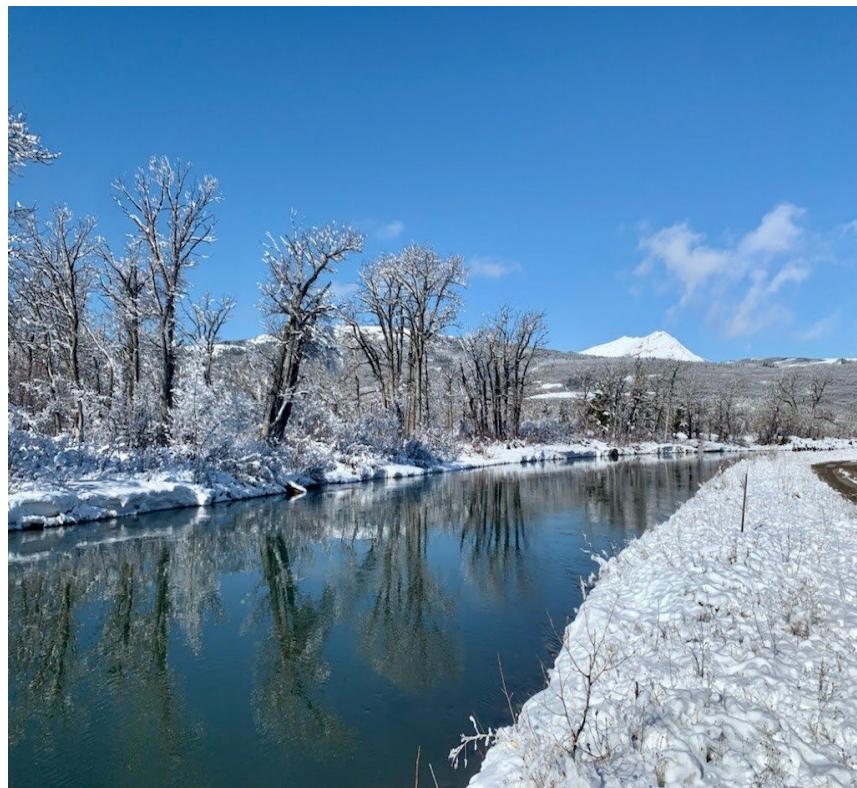
## Watershed Plan-Environmental Impact Statement for Milk River and St. Mary River Watersheds

Glacier County

October 2023



Natural Resources Conservation Service





Financial and technical assistance for this Project has been provided by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture. NRCS will serve as the lead Federal Agency under the National Environmental Policy Act (NEPA).

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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## 1. Introduction

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with the Milk River Joint Board of Control (MRJBOC) as the project sponsor and the Bureau of Reclamation as a cooperating agency, is developing a Watershed Plan – Environmental Impact Statement (Plan-EIS) for the St. Mary Canal Modernization Project in Glacier County, Montana. Plan development is authorized by the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566).

NRCS, as the lead federal agency, has initiated scoping under the National Environmental Policy Act (NEPA) to inform the development of a Plan-EIS. The Plan-EIS will comply with the Council on Environmental Quality's (CEQ) regulations at 40 CFR Parts 1500-1508, which require an evaluation of potential environmental impacts associated with federal projects and actions. The purpose of the Plan-EIS is to develop and analyze the effects each watershed project plan alternative would have on the natural and human environments. The purpose of the project is to improve agricultural water management by rehabilitating and modernizing the St. Mary Canal along its existing alignment in Glacier County, Montana.

### 1.1. Scoping Goals and Objectives

Scoping is the integral first step of the NEPA process. It is an early and open process for determining the scope of resources to be addressed, a range of alternatives, and for identifying the potential effects related to a proposed action (40 CFR Part 1501.7). The objectives of the scoping process are to:

- Engage interested parties and the general public in the early identification of concerns, potential impacts, and possible alternative actions;
- Determine the scope of the issues to be analyzed in depth in the Plan-EIS, as well as identifying and eliminating issues that would not be affected by the proposed action or that have been covered by prior environmental review;
- Identify technical studies needed to adequately address potential impacts of the project.

## 2. Scoping Process

### 2.1. Schedule

The following section outlines the milestones for the scoping announcement and activities that occurred in preparation for the formal 47-day scoping comment period. The scoping comment period opened on June 21, 2023, and closed on August 7, 2023.

### 2.2. Outreach

Federal, state, local agencies and representatives, and non-governmental organizations received an invitation to participate in scoping the Plan-EIS. Advertisements announcing the

scoping period and associated scoping meetings were placed in six local newspapers, one local radio station, and multiple online locations, including the NRCS website and MRJBOC website. Additionally, MRJBOC notified patrons and stakeholders of the scoping meeting and invited comments on the scope of the Draft Plan-EIS.

NRCS sent official letters to the following state/federal agencies and tribes on June 26, 2023, to formally notify them of the scoping period:

- Blackfeet Nation
- U.S. Bureau of Reclamation
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Bureau of Indian Affairs
- U.S. Geological Survey/International Joint Commission

## 2.3. Public Meetings

Three in-person public scoping meetings were held for agencies, stakeholders, and the public (see Appendix A for the Public Meeting Notice):

- **Babb Public Meeting**  
July 13, 2023  
12:00 p.m. – 1:30 p.m.  
Hooks Hideaway Motel  
291 Camp Nine Road, Babb, MT 59411
- **Havre Public Meeting**  
July 18, 2023  
11:30 a.m. – 12:30 p.m.  
Best Western Plus Havre Inn & Suites  
1425 U.S. Route 2, Havre, MT 59501
- **Malta Public Meeting**  
July 18, 2023  
4:30 p.m. – 5:30 p.m.  
Great Northern Hotel  
2 S 1st Street E, Malta, MT 59538

The meetings consisted of a presentation of the PL 83-566 program, the project purpose and need, an introduction to the Plan-EIS process, and ways in which the public could get involved. Presenters included staff from NRCS (Robert Molacek and Tom Watson), Farmers Conservation Alliance (Megan Christian), and MRJBOC (Jennifer Patrick).

The meeting presentation slides are provided in Appendix B. The meeting attendance list is provided in Appendix C.

### 3. Public Scoping Comments

Comments were submitted by email, mail, phone, or website. The comments are included as Appendix D.

### 4. Summary of Issues Identified

The following list summarizes the comments and concerns expressed during the scoping process:

- Fish Habitat – Concerns were voiced about sedimentation and fish habitat loss with increased flows above the Fresno Reservoir.
- Reservoir – The public suggests exploring opportunities to upgrade existing reservoirs and model impacts of increased flow.
- Wildlife – The public expressed concern for the potential effects of the project on water available for wildlife and cattle, as well as the potential effects on the wellbeing and habitat of endangered species, especially Montana Species of Specific Concern and Species of Greatest Conservation Need.
- Canal and Road Repairs – The public suggests prioritizing lining on specific locations of the canal. Some feel that widening the road is unnecessary.
- Surface Water and Groundwater – The public is concerned that lining will affect crops, wells, ponds, and springs. Additionally, they suggest taking measures to reduce turbidity in the Milk River during project construction. The public also inquired if the Milk River will ever go dry as a result of the project construction.
- Communication with Stakeholders – The public wants to ensure that municipal interests are being considered and that efforts are made to collaborate with local farmers and irrigation authorities.

All comments submitted will be given full consideration for applicability to the project scope; however, not all the comments and concerns expressed are relevant to the analysis of the Proposed Action. Those comments that are relevant will be carried forward in the environmental analysis.

## Appendix A. Public Meeting Notice Documents

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**Nathan Jones,**  
*North Dakota Acting State Conservationist,  
 Natural Resources Conservation Service.*  
 [FR Doc. 2023-13129 Filed 6-20-23; 8:45 am]  
 BILLING CODE 3410-16-P

#### DEPARTMENT OF AGRICULTURE

**Natural Resources Conservation Service**

**[Docket No. NRCS-2023-0010]**

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**AGENCY:** Natural Resources Conservation Service, USDA.

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Mary River, and the North Fork Milk River.

The Milk River Joint Board of Control (MRJBOC) is the umbrella organization that works with the U.S. Bureau of Reclamation to operate and maintain the St. Mary Canal for the users that receive Milk River Project water. Milk River Project water diverted from the St. Mary River is conveyed through the St. Mary Canal to the North Fork Milk River. The Milk River Project supplies water to approximately 120,000 acres, including eight irrigation districts, the Blackfeet Indian Reservation, numerous private irrigators, several municipalities, and the Bowdoin National Wildlife Refuge.

The proposed Milk River Project will address the deteriorating state of the St. Mary Canal and associated infrastructure including the 29 mile St. Mary Canal, siphons, and concrete drops. Most of the structures have exceeded their design life and require major repairs or replacement. Aging of the St. Mary Canal system has resulted in reduced flow rates from the original design of 850 cubic feet per second (cfs) to around 600 cfs. The steel siphons are at risk of failure due to slope stability problems and leaks, and the concrete in three of the five drop structures are severely deteriorating. According to a report published by the Montana Department of Natural Resources and Conservation (DNRC), many hydraulic components of the conveyance system have an elevated risk of failure with potential damages ranging from minor to catastrophic (DNRC 2010).<sup>1</sup>

Agriculture is an essential part of the north-central Montana economy and agricultural production depends on the structural integrity of the St. Mary Canal and associated infrastructure. Water diverted from the St. Mary River and conveyed to the North Fork Milk River through the St. Mary Canal comprises a range of 70-95 percent of the total flow in the Milk River, as measured in Havre, MT, from May through September, depending upon whether it was a dry or average year for precipitation (DNRC 2006).<sup>2</sup> Correspondingly, water conveyed through the St. Mary Canal comprises over half of the Milk River Project's water supply in an average year (Reclamation 2012).<sup>3</sup>

A Preliminary Investigation Feasibility Report (PIFR), completed in

<sup>1</sup>Montana Department of Natural Resources and Conservation (DNRC). 2010. *St. Mary Diversion and Conveyance Facilities Failure and O&M Reference Guide*. Helena, MT.

<sup>2</sup>DNRC. 2006. *St. Mary Diversion Facilities Data Review, Preliminary Cost Estimate, and Proposed Rehabilitation Plan*. Helena, MT.

<sup>3</sup>U.S. Bureau of Reclamation (Reclamation). 2012. *St. Mary River and Milk River Basins Study Summary Report*. Billings, MT.

2021, investigated and studied possible solutions to address agricultural water management for the St. Mary Canal and associated infrastructure. As a result of the information obtained during the PIFR process, the level of National Environmental Policy Act (NEPA) analysis required an EIS. Estimated federal funds required for the construction of the proposed action may exceed \$25 million. The proposed action will therefore require congressional approval per the 2018 Agriculture Appropriations Act amended funding threshold. In accordance with 7 CFR 650.7(a)(2), an EIS is required for projects requiring congressional approval.

#### Preliminary Proposed Action and Alternatives

The objective of the EIS is to formulate and evaluate alternatives for agricultural water management along the St. Mary Canal alignment. The alternatives were preliminarily identified through the PIFR process as likely to be evaluated in the EIS, given their anticipated viability of meeting the purpose and need of the proposed watershed project. The EIS is expected to evaluate three alternatives: two action alternatives or no action alternative. The alternatives that may be considered for detailed analysis include:

**Alternative 1—No Action:** Taking no action would consist of activities carried out if no Federal action or funding were provided. No watershed project would be implemented, and the St. Mary Canal and associated infrastructure would not be modernized.

**Alternative 2—Proposed Action:** This alternative would include the following system improvement measures including: canal lining and reshaping, siphon replacement, drop structure replacement, access road improvements, wastewater turnouts, underdrain replacements, and slide mitigation. Options for each measure would be evaluated.

**Alternative 3—Proposed Action:** This alternative would include the following system improvement measures including: canal reshaping (no lining), siphon replacement, drop structure replacement, access road improvements, wastewater turnouts, underdrain replacements, and slide mitigation. Options for each measure would be evaluated.

#### Summary of Expected Impacts

Initial cost estimates of the proposed actions have determined that the Federal contribution to construction will exceed \$25 million, requiring congressional approval. Per 7 CFR

650.7, an EIS is required when projects require congressional action. The NRCS Montana State Conservationist, has determined that the preparation of an EIS is required for this watershed project. An EIS will be prepared as required by section 102(2)(C) of NEPA; the Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR parts 622 and 650. In addition, the EIS will be prepared in accordance with the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies (PR&Gs, USDA NRCS 2017).<sup>4</sup> NEPA compliance will cover the analysis of various resource concerns listed below, while compliance with the PR&Gs will include additional assessments such as analyzing effects to ecosystem services and a National Economic Efficiency Analysis.

Environmental resources in the Milk River Project area consist of the natural and human-made environment. Resource issues identified through the PIFR process included water delivery efficiency issues, soil aggregate instability, soil organism habitat loss or degradation, surface water quality, and surface water quantity. Any additional resource issues will be identified and addressed in the EIS and potential for impacts will be analyzed for Cultural Resources, Economics, Soils, Land Use, Environmental Justice, Endangered and Threatened Species, Wildlife, Hydrology, Wetlands, Vegetation, and Climate Change.

#### Anticipated Permits and Authorizations

The following permits and authorizations are anticipated to be required:

- **Endangered Species Act (ESA) Consultation.** Consultation with the U.S. Fish and Wildlife Service will be conducted as required by the Endangered Species Act of 1973.

• **Tribal Consultation.** Consultation with the Blackfeet Tribe is required as the Canal lies completely within the Blackfeet Indian Reservation in Glacier County, MT. Required permits will be determined through consultation.

- **Section 106 Consultation.** Consultation with the Tribal Historic Preservation Office will be conducted as required by the National Historic Preservation Act (NHPA) of 1966.

<sup>4</sup> USDA NRCS. (2017). *Guidance for Conducting Analyses Under the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies and Federal Water Resource Investments*. <https://www.usda.gov/directives/dm-9500-013>.

- **Clean Water Act (CWA) Section 404 Permit.** Implementation of the proposed Federal action would require a CWA section 404 permit from the U.S. Army Corps of Engineers. Permitting with the U.S. Army Corps of Engineers regarding potential impacts will be finalized prior to final design and construction.

- **Ordinance 117 Permit.** Implementation of the proposed Federal action would require an Aquatic Lands Protection Ordinance 117 permit from the Blackfeet Nation.

#### Schedule of Decision-Making Process

A Draft EIS (DEIS) will be prepared and circulated for review and comment by agencies, Tribes, consulting parties, and the public for at least 45 days as required by 40 CFR 1503.1, 1502.20, 1506.11, and 1502.17, and 7 CFR 650.13. The DEIS is anticipated to be published in the **Federal Register** approximately 6 months after publication of this NOI. A Final EIS is anticipated to be published within 6 months of completion of the public comment period for the DEIS.

NRCS will decide whether to implement one of the alternatives as evaluated in the EIS. A Record of Decision will be completed after the required 30-day waiting period and will be publicly available. The responsible Federal official and decision maker for the NRCS is the Montana NRCS State Conservationist.

#### Public Scoping Process

Public scoping meetings will be held in Browning, Havre, and Malta to determine the scope of the analysis presented in the EIS. Meetings are scheduled to occur in the summer of 2023 and will be held at selected public venues in each location. Exact meeting locations and times will be determined closer to the dates of the events. Public notices will be placed in local newspapers and on the NRCS, MRJBOC, and the U.S. Bureau of Reclamation websites. Additionally, a letter providing details on the public meetings and the scoping comment and objection processes will be sent to Federal and state agencies, Tribes, local landowners, and interested parties.

Public scoping meetings provide an opportunity to review and evaluate the Milk River Project alternatives, express concern or support, and gain further information regarding the Milk River Project. Comments received, including the names and addresses of those who comment, will be part of the public record. Comments submitted anonymously will be accepted and considered.

**Identification of Potential Alternatives, Information, and Analyses**

NRCS, MRJBOC, and the U.S. Bureau of Reclamation invite agencies, Tribes, and individuals that have special expertise, legal jurisdiction, or interest, to provide comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action in writing.

NRCS, MRJBOC, and the U.S. Bureau of Reclamation will use the scoping process to help fulfill the public involvement process under section 106 of the NHPA (54 U.S.C. 306108), as provided in 36 CFR 800.2(d)(3). Information about historic and cultural resources within the area potentially affected by the proposed action and alternatives will assist NRCS, MRJBOC, and the U.S. Bureau of Reclamation in identifying and evaluating impacts to resources in the context of both NEPA and section 106.

Native American Tribal consultations will be conducted in accordance with Tribal policy, and Tribal concerns will be given due consideration. In addition, Federal, State, and local agencies, along with other stakeholders that may be interested or affected by NRCS, MRJBOC, or the U.S. Bureau of Reclamation decisions on this Milk River Project, are invited to participate in the scoping process. Eligible entities may request or be requested by the NRCS to participate as a cooperating or participating agency.

**Authorities**

This document is published pursuant to the NEPA regulations regarding publication of a NOI to issue an EIS (40 CFR 1501.9(d)). This EIS will be prepared to evaluate potential environmental impacts as required by section 102(2)(C) of NEPA; the Council on Environmental Quality regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534).

**Federal Assistance Program**

The title and number of the Federal Assistance Programs as found in the Assistance Listing<sup>5</sup> to which this document applies is 10.904, Watershed Protection and Flood Prevention.

<sup>5</sup> See <https://sam.gov/content/assistance-listings>.

**Executive Order 12372**

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of Executive Order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and to direct Federal development. This Watershed Plan is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

**USDA Non-Discrimination Policy**

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and text telephone) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any phone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant

Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: [OAC@usda.gov](mailto:OAC@usda.gov).

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**Kyle Tackett,**

*Acting Montana State Conservationist,  
Natural Resources Conservation Service.  
[FR Doc. 2023–13130 Filed 6–20–23; 8:45 am]*

**BILLING CODE 3410–16–P**

**COMMISSION ON CIVIL RIGHTS**
**Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights**

**AGENCY:** Commission on Civil Rights.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 12:30 p.m. CT on Thursday, July 27, 2023, to discuss the Committee's draft project proposal on housing affordability in the state.

**DATES:** Thursday, July 27, 2023, from 12:30 p.m.–1:30 p.m. Central Time.

**ADDRESSES:** The meeting will be held via Zoom.

**Registration Link (Audio/Visual):**  
<https://www.zoomgov.com/j/1612943387>.

**Join by Phone (Audio Only):** (833) 435–1820 USA Toll-Free; Meeting ID: 161 294 3387.

**FOR FURTHER INFORMATION CONTACT:**  
 David Barreras, Designated Federal Officer, at [dbarreras@usccr.gov](mailto:dbarreras@usccr.gov) or (202) 656–8937.

**SUPPLEMENTARY INFORMATION:** This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over landline connections to the toll-free telephone number. Closed captioning

## Public Notice Announcing Scoping Meetings St. Mary Canal Modernization Project

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with Bureau of Reclamation as a cooperating agency and Milk River Joint Board of Control as the project sponsor, is considering improvements to the aging St. Mary Canal infrastructure in the Bureau of Reclamation's Milk River Project. Improvements under consideration may be partially funded through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566) and will address water delivery reliability and public safety risks while supporting existing agricultural land use.

The proposed project is located in Glacier County, Montana, within the Blackfeet Indian Reservation. It is anticipated the Blackfeet Nation will fulfill responsibilities typically associated with the role of a participating agency. The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public.

**You are invited to attend one of the following public scoping open houses where your input is requested.** The range of resource issues and conceptual alternatives addressing system improvements to the St. Mary Canal and associated infrastructure will be presented and discussed.

### **Public Scoping Open Houses**

#### **Babb Public Meeting\***

July 13, 2023

12:00 p.m. – 1:30 p.m.

Hooks Hideaway Motel

291 Camp Nine Rd., Babb, MT 59411

**\*Babb Public Meeting:** Lunch will be provided at 11:30 a.m. prior to the meeting start time at noon. An RSVP is requested if joining for lunch at [milkriver.project.comments@gmail.com](mailto:milkriver.project.comments@gmail.com) or (541) 716-6085.

#### **Havre Public Meeting**

July 18, 2023

11:30 a.m. – 12:30 p.m.

Best Western Plus Havre Inn & Suites

1425 U.S. Rte 2, Havre, MT 59501

#### **Malta Public Meeting**

July 18, 2023

4:30 p.m. – 5:30 p.m.

Great Northern Hotel

2 S 1st Street E, Malta, MT 59538

The meeting locations are accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Preston Brown at (541) 716-6085 or [preston.brown@fcasolutions.org](mailto:preston.brown@fcasolutions.org).

Comments may be submitted during the public scoping period starting June 21, 2023 and ending on August 7, 2023. Comments may be emailed to [milkriver.project.comments@gmail.com](mailto:milkriver.project.comments@gmail.com), left as a voice message at (406) 587-6712, submitted online at [www.milkriverproject.com/projects/watershed](http://www.milkriverproject.com/projects/watershed), or mailed to:

USDA NRCS  
Alyssa Fellow, Environmental Compliance Specialist  
10 East Babcock Street, Room 443  
Bozeman, MT 59715

Additional information is available online at [www.milkriverproject.com/projects/watershed](http://www.milkriverproject.com/projects/watershed) or the NRCS website at [nrcs.usda.gov/montana](http://nrcs.usda.gov/montana).

--end--

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Natural Resources Conservation Service  
U.S. DEPARTMENT OF AGRICULTURE ([HTTPS://USDA.GOV](https://usda.gov))

MENU

PRESS RELEASE

## Public Notice Announcing Scoping Meetings for St. Mary Canal Modernization Project

**TOPICS:** [MONTANA](#) ([/CONSERVATION-BASICS/CONSERVATION-BY-STATE/MONTANA](#)) | [WATER](#) ([/CONSERVATION-BASICS/NATURAL-RESOURCE-CONCERNS/WATER](#)) | [WATERSHED PROGRAMS](#) ([/PROGRAMS-INITIATIVES/WATERSHED-PROGRAMS](#)).

**PUBLISH DATE:** June 22, 2023



[Home](#) > [News](#) (/news) >  
Public Notice Announcing Scoping Meetings for St. Mary Canal Modernization Project

Public meetings scheduled to gain input on proposal to rehabilitate and modernize the St. Mary Canal and associated infrastructure by the Milk River Joint Board of Control (MRJBOC) in partnership with the U.S. Bureau of Reclamation (Reclamation) and Natural Resources Conservation Service (NRCS).

The Milk River Joint Board of Control (MRJBOC), in partnership with the U.S. Bureau of Reclamation (Reclamation) and Natural Resources Conservation Service (NRCS), proposes to rehabilitate and modernize the St. Mary Canal and associated infrastructure along its existing alignment to improve agricultural water management. The project may include lining and/or reshaping select sections of the St. Mary Canal, stabilizing slide areas, and modernizing existing siphons, drop structures, wasteways, and underdrains. These measures would improve water delivery reliability, restore historic flows in the St. Mary's Canal, and mitigate the risk of infrastructure failure.

The proposed project is regionally significant. Water for Reclamation's Milk River Project is diverted from the St. Mary River and conveyed through the St. Mary Canal to the North Fork Milk River. The Milk River Project supplies water to approximately 120,000 acres, including eight irrigation districts, the Blackfeet Indian Reservation, numerous private irrigators, several municipalities, and the Bowdoin National Wildlife Refuge. Agriculture is an essential part of the north-central Montana economy, and agricultural production depends on the structural integrity of the St. Mary Canal and associated infrastructure. Water diverted from the St. Mary River and conveyed to the North Fork Milk River through the St. Mary Canal comprises a range of 70–95 percent of the total flow in the Milk River, as measured in Havre, Montana, from May through September, depending upon whether it was a dry or average year for precipitation. Correspondingly, water conveyed through the St. Mary Canal comprises over half of the Milk River Project's water supply in an average year.

The project is sponsored by the MRJBOC, with funding and technical support from NRCS in Montana. Reclamation has been identified as a cooperating agency. It is anticipated the Blackfeet Nation will fulfill responsibilities typically associated with the role of a participating agency. Farmers Conservation Alliance and HDR are assisting with the planning process as contractors.

Members of the public are invited to provide input to help guide planning efforts during three in-person scoping meetings. Meeting details are as follows:

Babb Public Meeting\*  
July 13, 2023  
12:00 p.m. – 1:30 p.m.  
Hooks Hideaway Motel  
291 Camp Nine Rd., Babb, MT 59411

\*Babb Public Meeting: Lunch will be provided at 11:30 a.m. prior to the meeting start time at noon. An RSVP is requested if joining for lunch at [milkriver.project.comments@gmail.com](mailto:milkriver.project.comments@gmail.com) (<mailto:milkriver.project.comments@gmail.com>) or (541) 716-6085.

Havre Public Meeting  
July 18, 2023  
11:30 a.m. – 12:30 p.m.  
Best Western Plus Havre Inn & Suites  
1425 U.S. Rte 2, Havre, MT 59501

Malta Public Meeting  
July 18, 2023  
4:30 p.m. – 5:30 p.m.  
Great Northern Hotel  
2 S 1st Street E, Malta, MT 59538

Participants will have an opportunity to learn more about the proposed infrastructure improvements and submit their comments, ideas, and concerns. A recorded presentation will be uploaded to [www.milkriverproject.com/projects/watershed](http://www.milkriverproject.com/projects/watershed) (<http://www.milkriverproject.com/projects/watershed>).

Public comments may be submitted from June 21, 2023, through August 7, 2023. Comments may be emailed to [milkriver.project.comments@gmail.com](mailto:milkriver.project.comments@gmail.com) (<mailto:milkriver.project.comments@gmail.com>), submitted online at [www.milkriverproject.com/projects/watershed](http://www.milkriverproject.com/projects/watershed) (<http://www.milkriverproject.com/projects/watershed>), left as a voice message at (406) 587-6712, or mailed to: USDA NRCS, Alyssa Fellow, Environmental Compliance Specialist, 10 East Babcock Street, Room 443, Bozeman, MT 59715.

Following the public scoping period, project partners will develop a draft Watershed Plan - Environmental Impact Statement. The public will have an opportunity to review the draft plan and provide additional input.

If a Record of Decision is reached and the Final Watershed Plan-EIS is authorized, the MRJBOC would be able to apply for funding to construct infrastructure improvements through NRCS's Watershed Protection and Flood Prevention program, authorized by Public Law 83-566. Through this program, NRCS provides technical and financial assistance to local organizations (project sponsors) for planning and carrying out watershed projects for the purpose of watershed protection, flood prevention, agricultural water management, erosion and sediment control, water supply, water quality, and fish and wildlife habitat enhancement. Additional information is available online at [www.milkriverproject.com/projects/watershed](http://www.milkriverproject.com/projects/watershed) (<http://www.milkriverproject.com/projects/watershed>) or the NRCS Montana web page at [nrcs.usda.gov/montana](https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/montana) (<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/montana>).

The meeting locations are accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Preston Brown at (541) 716-6085 or [preston.brown@fcasolutions.org](mailto:preston.brown@fcasolutions.org) (<mailto:preston.brown@fcasolutions.org>).

## AskUSDA

One central entry point for you to access information and help from USDA

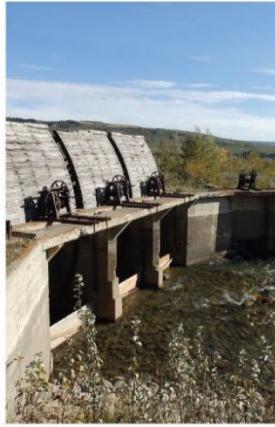
- 💻 [Ask.USDA.gov](https://ask.usda.gov/s/) (<https://ask.usda.gov/s/>)
- 📞 1-833-ONE-USDA (<tel:8336638732>)
- ✉️ [askusda@usda.gov](mailto:askusda@usda.gov) (<mailto:askusda@usda.gov>)

## Appendix B. Scoping Meeting Presentation Slides



**St. Mary Canal Modernization Project**  
*Watershed Plan-Environmental Impact Statement*

Public Scoping Meetings: July 13, 2023 & July 18, 2023



### Part 1

Watershed Plan Process  
&  
Project Overview

### Part 2

Public Comment  
Breakout Session

## Part 1 Watershed Plan Process & Project Overview



### Milk River Project Overview

- **Project Sponsor:** Milk River Joint Board of Control (MRJBOC)
- **Milk River Project**
- Supplies water to ~120,000 acres:
  - 8 irrigation districts
  - Blackfeet Indian Reservation
  - Private irrigators
  - Municipalities
  - Bowdoin National Wildlife Refuge

The figure consists of two main parts. The left side is a collage of images and maps related to the St. Mary Supply System and the Greater Milk River Project. It includes a Bureau of Reclamation logo, a map of the St. Mary Canal detail (U.S.), and various photographs of infrastructure like dams, pipes, and diversion structures. The right side is a detailed map of the St. Mary Canal system, showing its route from the St. Mary Canal Intake (Begin Project) through various drops and stations (Hells Canyon Station, Karmey Station, St. Mary Canal Station) to the St. Mary Canal (End Project). The map also shows the Milk River and various diversion points along the way.

## Project Purpose and Need

*"The primary purpose of the proposed watershed project is to **improve agricultural water management** by rehabilitating and modernizing the St. Mary Canal along its existing alignment in Glacier County, Montana....*

*The proposed project is needed due to existing St. Mary Canal system inadequacies, as well as the risk of infrastructure failure. The current St. Mary Canal system inadequacies have reduced the water delivery reliability to users who rely on the St. Mary Canal for agricultural, municipal, residential, industrial, and recreational uses. Failure could lead to environmental damage on the Blackfeet Indian Reservation, the St. Mary River, and the North Fork Milk River.*





### Potential Benefits of the St. Mary Canal Modernization Project

- **Improve** irrigation water management and delivery reliability
- **Improve** drought resilience
- **Restore** historic flows in St. Mary Canal
- **Reduce** operations and maintenance costs
- **Reduce** risk of infrastructure failure

### Watershed Protection and Flood Prevention Program (PL-566)

Managed and funded by:

- US Department of Agriculture Natural Resources Conservation Service (NRCS)

NRCS MT focused on:

- Aging irrigation infrastructure
- Improving agricultural water management
- St. Mary Canal, siphons, drop structures



### General PL-566 Requirements

1. Must have a project "**SPONSOR**"
  - Produce a project plan for NRCS authorization (Plan-EIS)
  - Provide financial match for construction
2. Proposed project must:
  - Address an authorized purpose – agricultural water management
  - **> 20%** of benefits are agricultural or for rural community
  - No structure with **> 12,500 acre-feet** of flood storage  
**> 25,000 acre-feet** of total capacity
3. Projects that need over **\$25 million** of federal construction funding require Congressional approval

National Environmental Policy Act (NEPA) & Principles, Requirements and Guidelines (PR&G)

Guiding Principles considered when developing and evaluating alternatives:

- Healthy and Resilient Ecosystems
- Sustainable Economic Development
- Floodplain Functions
- Public Safety
- Environmental Justice
- Watershed Approach

Why are we here today?

- Request public input as part of NEPA process
- Inform the need for alternative analysis following Principles, Requirements and Guidelines for Water Resources Implementation Studies (PR&G)
- Identify and collaborate with stakeholders affected by the project
- Collect information on stakeholder values related to the project, including feedback on study area, environmental, social and economic effects and tradeoffs

Watershed Planning Phases



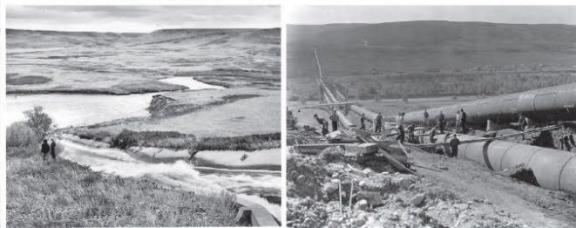
What a Plan-EIS Includes

- Purpose & Need
- Alternative Evaluation
- Proposed Action
- Affected Resources: Examples - Cultural, Fish and Aquatic, Vegetation, Water, Wildlife
- PR&G Analysis



## No Action Alternative: Alternative 1

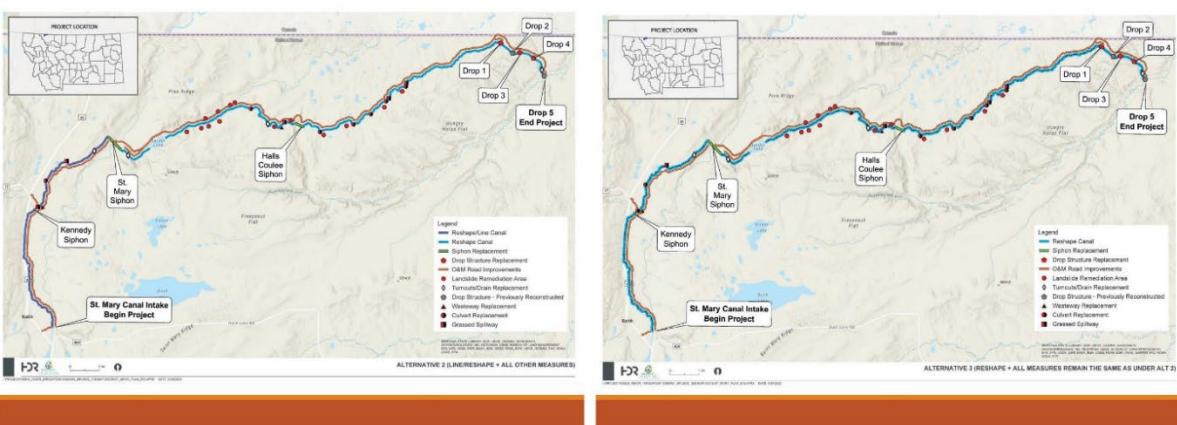
- Future Without Federal Investment
- St. Mary Canal and infrastructure would not be modernized



## Modernization Alternatives: Alternatives 2 and 3

### Combination of management measures

- Canal conveyance
  - Reshaping
  - Lining
- Siphon replacement
- Drop structure replacement
- Slope stability (slide mitigation)
  - Soil injection stabilization
  - Buried conveyance
  - Earthwork mitigation
- Operation and maintenance road improvements
- Wasteways and turnouts/drains
- Underdrains



## Resources to be Analyzed

- Soils and Land Use
- Cultural resources
- Vegetation
- Endangered and Threatened Species
- Wildlife
- Hydrology
- Climate Change
- Wetlands, Riparian Areas, Floodplains
- Environmental Justice
- Economic Benefits and Costs

## Part 2 Public Comment Breakout Session



## Example Comments

### Proposed project actions

*Will the construction affect my irrigation deliveries?*

### Alternatives

*What about lining the whole canal instead of reshaping?*

### Surrounding environment (cultural, natural, and economic resources)

*I am concerned about wildlife in the area. Will you study the impacts of the project on wildlife?*

## Opportunities to Submit Comments

### Submit comments today

Online: <http://www.milkriverproject.com/projects/watershed>

Email: [milkriver.project.comments@gmail.com](mailto:milkriver.project.comments@gmail.com)

Phone: (406) 587-6712

Mail: USDA NRCS, Alyssa Fellow, Environmental Compliance Specialist  
Attn: St. Mary Canal Modernization Project  
10 East Babcock Street, Room 443  
Bozeman, MT 59715

**Comments may be submitted until the close of the Scoping Period on August 7, 2023**





Thank you for coming!

## Appendix C. Attendee Lists

Name	Meeting Attended	City	State	Phone	Agency/ Organization
Audrey vanSon-Turner	Babb – 7/13	Milk River	Alberta, CA	[REDACTED]	
Miles G. Hutton	Babb – 7/13	Turner	MT	[REDACTED]	Blaine County Commissioner
Andrew Gilham	Babb – 7/13	Bozeman	MT	[REDACTED]	USFWS
Greg Jergeson	Babb – 7/13	Chinook	MT	[REDACTED]	SMRWG Member
Russ Brookie	Babb – 7/13	Malta	MT	[REDACTED]	Manager, Malta Irrigation District
Matt Pollock	Babb – 7/13	Helena	MT	[REDACTED]	Reclamation
Shane Fox	Babb – 7/13	Chinook	MT	[REDACTED]	Blaine County Commissioner
Justin Wiese	Babb – 7/13	Malta	MT	[REDACTED]	Irrigator
Barbara Broberg	Babb – 7/13	Cut Bank	MT	[REDACTED]	
McCall Lammerding	Babb – 7/13	Saco	MT	[REDACTED]	Irrigator
Ryan Newman	Babb – 7/13	Billings	MT	[REDACTED]	Reclamation
Tim McNew	Babb – 7/13	Helena	MT	[REDACTED]	USACE
David Westwood	Babb – 7/13	Lethbridge	Alberta, CA	[REDACTED]	
KWebb	Babb – 7/13	Browning	MT	[REDACTED]	Blackfeet Nation
Ann L Kulczyk	Babb – 7/13	Glasgow	MT	[REDACTED]	MT DNRC
Kristi Peterson	Babb – 7/13	Havre	MT	[REDACTED]	SMRWG
Dory Turner	Babb – 7/13	Milk River	Alberta, CA	[REDACTED]	Milk River Watershed Council
Cheryl Ulmer	Babb – 7/13	Great Falls	MT	[REDACTED]	Sen. Tester's Office
Meagan Heinen	Babb – 7/13 Havre – 7/18 Malta – 7/18	Conrad	MT	[REDACTED]	NRCS MT
Larry H. Smith	Babb – 7/13	Malta	MT	[REDACTED]	Malta Irrigation District
John Whiteg	Babb – 7/13	Shelby	MT	[REDACTED]	
Dave Peterson	Babb – 7/13	Havre	MT	[REDACTED]	Coordinator SMRWG
Jeremiah North Piegan	Babb – 7/13	Browning	MT	[REDACTED]	Blackfeet Fish and Game Office
Josiah L.	Babb – 7/13	Browning	MT	[REDACTED]	Blackfeet Nation Fish and Game

Name	Meeting Attended	City	State	Phone	Agency/ Organization
					Office
Tom Watson	Babb – 7/13	Bozeman	MT	[REDACTED]	NRCS MT
Ross Ford	Babb – 7/13	Warner County	Alberta, CA	[REDACTED]	Warner County
Kevin Reese	Babb – 7/13	Milk River	Alberta, CA	[REDACTED]	
Robert Bruskotter	Babb – 7/13	-	MT		Senator Daines Office
Gynntor Lanenstein	Babb – 7/13	Cut Bank	MT		
Ken Peterson	Babb – 7/13	Babb	MT	[REDACTED]	
Thomas Gervais	Babb – 7/13	Babb	MT		Reclamation
Clayton Sharp	Babb – 7/13	Babb	MT	[REDACTED]	Reclamation
Toby Tabor	Babb – 7/13	Chester	MT		Reclamation
Marvin and Judy Reid	Babb – 7/13	Babb	MT		Landowner
Autumn Coleman	Babb – 7/13	Helena	MT		MT DNRC
Kyle Tackett	Babb – 7/13	Dillon	MT		NRCS MT
Jessica Brisbois	Babb – 7/13	Cheyenne	WY		HDR Engineering
Randy Shepherd	Babb – 7/13	Conrad	MT		
Jim Mogen	Babb – 7/13	Bozeman	MT		USFWS
Megan Christian	Babb – 7/13 Havre - 7/18 Malta - 7/18	Bend	OR	[REDACTED]	FCA
Amanda Schroeder	Babb – 7/13	Bend	OR		FCA
BJ Westlund	Babb – 7/13	Bend	OR		FCA
Brett Golden	Havre - 7/18 Malta - 7/18	Bend	OR	[REDACTED]	FCA
Steven Darlinton	Babb – 7/13 Havre - 7/18 Malta - 7/18	Billings	MT	[REDACTED]	Reclamation
Bob Sivertsen	Havre – 7/18	Havre	MT	[REDACTED]	Laredo Enterprises
Frank DePriest	Havre – 7/18	Chinook	MT		
Emma Kornthever	Havre – 7/18	Havre	MT	[REDACTED]	
Hank Tweeten	Havre – 7/18	Havre	MT		
Cody Nagel	Havre – 7/18	Havre	MT	[REDACTED]	MT FWP
Jennifer Patrick	Babb – 7/13 Havre – 7/18 Malta – 7/18	Havre	MT	[REDACTED]	Milk River Joint Board of Control
Bryce Arendt	Havre – 7/18	Havre	MT	[REDACTED]	
Bob Ugsen	Havre – 7/18	Havre	MT	[REDACTED]	
Paul Tuss	Havre – 7/18	Havre	MT	[REDACTED]	MT Senator
Mark Velk	Havre – 7/18	Havre/ Chinook	MT	[REDACTED]	

Name	Meeting Attended	City	State	Phone	Agency/ Organization
Larry W. Barbie	Havre - 7/18	Inverness	MT	[REDACTED]	
Chris Gomer	Babb - 7/13 Havre - 7/18 Malta - 7/18	Billings	MT	[REDACTED]	Reclamation
Preston Brown	Havre - 7/18 Malta - 7/18	Hood River	OR	[REDACTED]	FCA
Robert Molacek	Havre - 7/18 Malta - 7/18	Bozeman	MT	[REDACTED]	NRCS MT
John Blankenship	Havre - 7/18	Chinook	MT	[REDACTED]	Chinook Water Treatment Plant
Sen. Russ Tempel	Havre - 7/18	Chester	MT	[REDACTED]	MT Senator
Trevor Mork	Havre - 7/18	Havre	MT	[REDACTED]	City of Havre
Sally Cursten	Malta - 7/18			[REDACTED]	
Conni French	Malta - 7/18	Malta	MT	[REDACTED]	Phillips Conservation District
John Fahlgren	Malta - 7/18	Glasgow	MT	[REDACTED]	Valley County Commissioner
Shane Plouffe	Malta - 7/18	Malta	MT	[REDACTED]	Malta Irrigation District
Steve Dalby	Malta - 7/18	Glasgow	MT	[REDACTED]	MT FWP
Mike Lang	Malta - 7/18	Malta	MT		MT Senator
Wes Pankratz	Malta - 7/18	Glasgow	MT		Glasgow Irrigation District; MRJBOC
David Costin	Malta - 7/18	Saco	MT		Malta Irrigation District; MRJBOC
Pat Anderson	Malta - 7/18	Whitewater	MT		
Bruce Hould	Malta - 7/18	Malta	MT		Irrigator
Lee Cornwell	Malta - 7/18	GID	MT		Glasgow Irrigation District; MRJBOC
Justin Wiese	Malta - 7/18	Malta	MT		Irrigator
Wade Jones	Malta - 7/18	Malta	MT		Malta Irrigation District; MRJBOC
Larry Smith	Malta - 7/18	Malta	MT		Malta Irrigation District
Mike Dailey	Malta - 7/18	Glasgow	MT		MT DNRC
Jeff Sather	Malta - 7/18	Harlem	MT		Harlem Irrigation District; MRJBOC
Dean Baker	Malta - 7/18	Harlem	MT		Zurich Irrigation District; MRJBOC

## Appendix D. Public Comments

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
1	[REDACTED]	Timing of planning process	I am concerned the planning process is too long and I thought the project would begin in 2024. I am concerned that construction will not occur quick enough. The infrastructure has been here for 100+ years, why is the planning so long.		Meeting (Babb 7/13/23)
		Groundwater	Can you please look at the effects lining the canal will have on groundwater and subsequent springs.		
		Wildlife and cattle	Wildlife and cattle use this water. Please study these effects.		
		Water rights	Can you please look at the effects on water rights that source water from waterbodies effected and benefited by the seepage.		
		Water availability	Would you cut off all the headgates along the canal? Can you study the effects this would have? Some of these headgates effect creeks, can you study that?		
		Road	Can you discuss the importance of widening the O+M road? I feel this may be unnecessary.		
		Canal repairs	I support the work that has been done to the drops. Can you analyze the logistics of the canal construction? Can you look at strategic location of lining to reduce the effects of the loss and seepage as an alternative?		
2	[REDACTED]	Canal repairs and road	I am concerned about lining the canal and the widening of the canal road.		Meeting (Babb 7/13/23)
		Surface water and groundwater	Lining could affect our crops, wells, ponds, canals of water.		

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
3	[REDACTED]	Canal repairs	I highly recommend Alternative 2 due to the longer life span. I would canal reshaping and siphon life span to be viewed as 50 or greater years. Our irrigation community Saint Mary River Irrigation District relies on the infrastructure coming out of the Sherburne Reservoir.	Saint Mary River Irrigation District	Meeting (Babb 7/13/23)
4	[REDACTED]	Timing of scoping process	Timing of Scoping Meetings for ag producers		Meeting (Havre 7/18/23)
		Water flow	Supportive of running 850 cfs		
		Project costs	What is cost difference between alternatives		
5	[REDACTED]	Water flow	Will this project impact water flows along the Milk? Is there a possibility we'll go dry at some point?	Montana Association of Conservation Districts	Meeting (Havre 7/18/23)
		Surface water quality	What measures will be taken to limit turbidity? If there is an increase in turbidity during the project how will this affect water treatment plants along the Milk? Could support funding be available for increased water treatment costs?		
6	[REDACTED]	Regulations	Climate and NEPA concerns about those issues and requirements dictating what has to be done. Can the public contest the directives and requirements of NEPA and Climate concerns because those add to the overall costs of the project. How do we stretch those dollars to be the most effective	Laredo	Meeting (Havre 7/18/23)
7	[REDACTED]	Municipal Water	Need better communication to municipalities on if/when canal is shut down (for construction activities) so they can prepare accordingly and can take time to get supplies.		Meeting (Havre 7/18/23)

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
8	[REDACTED]	Municipal Water	Please make sure that municipal interests are considered in the Plan-EIS. Please consider effects to any water resource serving municipalities.	Valley County Commissioner	Meeting (Malta 7/18/23)
9	[REDACTED]	Project support	Fix everything you can with what money you can get. This is an ageing system that needs a lot of tlc.		Website
10	[REDACTED]	Project support	I am in support of the draft plan for the much needed improvements to the St Mary's canal system. Blaine county is an agricultural county whose citizens rely on the waters of the milk river system, this would be a huge benefit to our people.	Blaine County Commissioner	Website
11	[REDACTED]	Water availability	We understand that the restoration of the canal is a very important part of this project. It is crucial to plan and execute the restoration work in a way that does not disrupt water delivery to the stakeholders who rely on it during construction. We strongly recommend that the project team closely collaborates with local farmers and irrigation authorities to develop a highly detailed plan that considers the needs of all stakeholders. This may require phasing the restoration work or identifying alternative water sources during the construction period. However, with meticulous planning and execution, we are confident that the canal restoration project can be successfully completed while still meeting the needs of the local farmers and communities that rely on it from April to October each year.	Malta Irrigation District	Website

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
12	[REDACTED]	Project support	<p>The Phillips Conservation District would like to commend you for your efforts towards repairing the failing infrastructure in the St. Mary canal system. As you well know, our communities and producers in Phillips County rely on water from the canal system for their very existence. Without this reliable source of water not only would our agricultural livelihoods be greatly challenged, but our communities would quite literally dry up. Thank you again for your work on this monumental problem.</p>	Phillips Conservation District Chairman	Website
13	[REDACTED]	Project Support	<p>Thank you for the opportunity to comment on the St. Mary Canal Modernization Project. Upgrades and modernization of the St. Mary Canal and associated infrastructure are long overdue, and we applaud efforts by the stakeholders who have doggedly worked to secure the funding and support to complete the project. Montana Fish, Wildlife and Parks (FWP) appreciate the broad benefits that efficient and reliable water delivery to the Milk River Basin provides. These benefits are shared over several sectors including irrigated agriculture, municipal and rural water uses, recreation, fish and wildlife, and ecosystem services including the benefits of wetlands.</p> <p>The 2006 bioeconomic study by Duffield highlighted the benefits broader than agricultural and municipal/rural water use that reliable delivery of St. Mary water provides. More specifically, they include water and riparian based recreation, fishing, big game and</p>	Montana Fish, Wildlife and Parks	Letter

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
			<p>upland bird hunting, and wetland and broader-based aquatic ecological health benefits. They amplify the importance of consistent water delivery to the Milk River system.</p> <p>Because of the significance of these non-agricultural benefits, FWP requests to be a stakeholder in the development of the DEIS. Additionally, we offer these comments for consideration and analysis as the DEIS is developed:</p>		
		Endangered species	<p>With modernization and potential efficiencies, we ask you to consider in the DEIS analysis of Fish and Aquatic resources:</p> <p>Consider opportunities to enhance operations of the Milk system to benefit endangered pallid sturgeon and Montana Species of Specific Concern (paddlefish, blue sucker, sauger) in the lower Milk River.</p>		
		Reservoir upgrades	<p>Consider exploring opportunities to enhance operations of Fresno and Nelson Reservoirs that could be beneficial for fisheries and aquatics.</p>		
		Reservoir modeling	<p>Consider a reservoir modeling effort (Sherburn, Fresno and Nelson) using the modernized water delivery system with projects of a 150cfs increase in water delivery. The effort might include modeling the system under a range of wet and dry runoff scenarios.</p>		

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
		Water flow and sediment transport	Given the potential influence of increased water flows in the Milk River above Fresno Reservoir on sedimentation rates, assessing the estimated rate and exploring possible mitigation strategies for the potential loss of storage (and associated loss of fish habitat).		
		Wildlife	Improving water delivery from the St. Mary diversion project serves to maintain valuable flood plain and riparian, open water, and wetland terrestrial community types that are identified in Montana's State Wildlife Action Plan as Community Types of Greatest Conservation Need. These riparian and wetland community types are also known to support diverse wildlife populations and many Species of Greatest Conservation Need are associated with these community types (species list available upon request or through MT Natural Heritage Program). Each of these community types are directly associated with the Milk River and associated irrigation project and benefit from a sustainable supply of water in the Milk River drainage. Numerous FWP managed Wildlife Management Areas, the Bowdoin National Wildlife Refuge and the associated Waterfowl Production Areas conserve and manage these important community types for the benefit of wildlife species and public use. With modernization and reliable water delivery, these areas and their habitats will remain productive for wildlife and public use.		

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
		Parks and Recreation	<p>Maintaining and improving water delivery from the St. Mary diversion project will continue recreation benefits and help meet goals of Montana's Statewide Comprehensive Outdoor Recreation Plan (SCORP). Recreational opportunities along the Milk River are plentiful, and are an economic contributor to the communities along the Milk River. Increased public demand for outdoor recreational activities is driving more recreational use. The Milk River provides recreational uses like fishing, boating, kayaking, canoeing, hunting, camping, wildlife viewing, and more. All recreational uses along the Milk River depend on healthy habitat and consistent instream flows.</p> <p>FWP managed 11 Wildlife Management Areas (WMAs) and four Fishing Access Sites (FASs) along the Milk River. These sites provide access to the Milk River for fishing, but other recreation opportunities also occur, such as boating, kayaking, camping, hunting, wildlife viewing, and more. These sites are dependent on consistent instream flows provided by the St. Mary diversion project.</p>		
14	[REDACTED]	Siphons and Cooperating Agency Request	<p>Thank you for inviting the Department of Natural Resources and Conservation to serve as a cooperating agency on the St. Mary Canal Modernization Project Plan – Environmental Impact Statement. The DNRC has the unique responsibility of administering state funds to the Milk River Joint Board of Control for the replacement of the St.</p>	Montana Department of Natural Resources and Conservation (DNRC)	Letter

#	Commenter	Comment Topic	Comment	Affiliation	Comment Format
			<p>Mary and Halls Coulee Siphons as directed in House Bill 6 and House Bill 8. Replacement of the siphons is included in the scope of work being analyzed under this Environmental Impact Statement. The DNRC appreciates the opportunity to be a cooperating agency on the St. Mary Canal Modernization Project to ensure compliance with the Montana Environmental Policy Act. The agency points of contact for the St. Mary Canal Modernization Project Plan – EIS are Autumn Coleman, Samanta Treu, Matt Miles, and Mike Dailey, email contacts are listed below. We welcome the opportunity to be part of this historic effort.</p>		

## **Appendix A3. Notice of Availability - Pending**

## Appendix A4. EIS Comments - Pending

## Appendix A5. Section 106 Coordination

<b>Section 106 Records Associated With the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds, Glacier County, Montana</b>	
<b>Date</b>	<b>Section 106 Consultation Record</b>
06/27/23	Hard copy of Section 106 initiation letter sent to Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Business Council; Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Historic Preservation Officer (THPO); U.S. Army Corp of Engineers, Omaha District (USACE); U.S. Bureau of Indian Affairs, Rocky Mountain Region Office (BIA); and the U.S. Bureau of Reclamation, Montana Area Office (BoR).
07/05/23	Email received from USACE acknowledging receipt of Section 106 consultation and further participation as a Consulting party.
07/11/23	Hard copy of Section 106 initiation letter sent to the Milk River Joint Board of Control (MRJBOC).
08/09/23	Email received from the MRJBOC acknowledging receipt of Section 106 consultation and further participation as the Project Sponsor and a Consulting party.
08/23/23	Emails exchanged with the Blackfeet THPO's Office to follow up on Section 106 initiation letter sent 06/27/2023.
08/24/23	Email received from the Blackfeet THPO's Office acknowledging receipt of Section 106 consultation and further participation as a Consulting party.
08/29/23	Emails exchanged with BIA Staff Archaeologist to follow up on Section 106 initiation letter sent 06/27/2023.
08/30/23	Emails exchanged with BIA Staff Archaeologist to follow up on Section 106 initiation letter sent 06/27/2023.
08/30/23	Phone call with the BoR Staff Archaeologist to follow up on Section 106 initiation letter sent 06/27/2023.
05/09/24	Hard and electronic copies of Section 106 initiation letter sent to Montana State Historic Preservation Office (SHPO).
05/10/24	Hard copies of Section 106 consultation and cultural resources reporting submitted to the Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Business Council; Blackfeet THPO; MRJBOC; Montana SHPO; USACE; BIA; and BoR. Consultation requested concurrence for the definition of the project Area of Potential Effects (APE); determination of National Register eligibility of archaeological sites; and the determination project effects for Alternatives 2 and 3 of the Plan EIS.
05/13/24	Electronic copies of Section 106 consultation and cultural resources reporting submitted to the Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Business Council; Blackfeet THPO; MRJBOC; Montana SHPO; USACE; BIA; and BoR. Consultation requested concurrence for the definition of the project Area of Potential Effects (APE); determination of National Register eligibility of archaeological sites; and the determination project effects for Alternatives 2 and 3 of the Plan EIS.
05/14/24	Emails exchanged with BIA Staff Archaeologist confirming receipt of materials transmitted on May 10 and 13, 2024.
05/16/24	Emails exchanged with the Blackfeet THPO's Office to follow up on Section 106 consultation materials sent on 05/10/2024 and 05/13/2024.

<b>Section 106 Records Associated With the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds, Glacier County, Montana</b>	
<b>Date</b>	<b>Section 106 Consultation Record</b>
05/21/24	Letter of concurrence received electronically from the Blackfeet THPO's Office to follow up on Section 106 consultation letter sent on 05/10/2024 and 05/13/2024. Blackfeet THPO concurs with the definition of the project APE, and concurs with the NRHP eligibility determinations of the four archaeological sites documented during the November 2023 inventory. Letter states that Blackfeet THPO will address Determination of project effects for Alternatives 2 and 3 of the Plan EIS separately.
05/30/24	Email correspondence exchanged with Montana SHPO. Since the St. Mary Canal project is all on the Blackfeet Reservation, Montana SHPO will not have a role in the 106 consultations unless it is requested that SHPO participate by the THPO or a non-tribal landowner. If the Blackfeet THPO agrees, Montana SHPO would like to receive courtesy copies of reports and site forms that are generated from the project. This corresponds with 36 CFR Part 800.2(c) and 800.3(c). NRCS is in communication with the Blackfeet THPO office and will facilitate a request for SHPO participation.
06/04/24	Email sent to Blackfeet THPO requesting involvement of Montana SHPO as a consulting party in accordance with 36 CFR Part 800.2(c)(1)(ii) and 36 CFR Part 800.3(c)(1). NRCS proposes to involve SHPO as a consulting party only given that some of the proposed mitigation of adverse effects potentially involves National Register nominations and Level I HAER documentation of the canal system.
06/11/24	Letter of concurrence received from BoR. BoR concurs with the definition of APE for the undertaking; concurs with the NRHP eligibility of the four archaeological sites identified during the Fall 2023 cultural resources inventory; and concurs that selection of Alternatives 2 and 3 will result in adverse effects to the St. Mary Canal and Site 24GL1172.
06/18/24	Emails exchanged with BIA Staff Archaeologist to follow up on Section 106 consultation sent 05/10/2024 and 05/13/2024.
06/18/24	Emails exchanged with MRJBOC to follow up on Section 106 consultation sent 05/10/2024 and 05/13/2024.
06/18/24	Emails exchanged with USACE to follow up on Section 106 consultation sent 05/10/2024 and 05/13/2024.
06/18/24	Emails exchanged with Blackfeet THPO to follow up on Section 106 consultation sent 05/10/2024 and 05/13/2024. The letter received on 05/21/2024 indicated that THPO would provide a separate letter regarding project effects for Alternatives 2 and 3 of the Plan EIS. NRCS would like comments from THPO on these alternatives to make sure that work on the system and the supporting documentation remains on schedule.
06/18/24	Emails exchanged with USACE to follow up on Section 106 consultation sent 05/10/2024 and 05/13/2024. USACE agrees with the definition of APE for the undertaking; agrees with the NRHP eligibility of the four archaeological sites identified during the Fall 2023 cultural resources inventory; and agrees that selection of Alternatives 2 and 3 will result in adverse effects to the St. Mary Canal and Site 24GL1172.
06/20/24	Letter of concurrence received from MRJBOC. MRJBOC concurs with the definition of APE for the undertaking; concurs with the NRHP eligibility of the four archaeological sites identified during the Fall 2023 cultural resources inventory; and concurs that selection of Alternatives 2 and 3 will result in adverse effects to the St. Mary Canal and Site 24GL1172.

<b>Section 106 Records Associated With the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds, Glacier County, Montana</b>	
<b>Date</b>	<b>Section 106 Consultation Record</b>
06/20/24	Letter of concurrence received from BIA. BIA concurs with the definition of APE for the undertaking; concurs with the NRHP eligibility of the four archaeological sites identified during the Fall 2023 cultural resources inventory; and concurs that selection of Alternatives 2 and 3 will result in adverse effects to the St. Mary Canal and Site 24GL1172.
06/26/24	Letter of concurrence received electronically from the Blackfeet THPO's Office for Alternatives 2 and 3 of the Plan EIS. Blackfeet THPO concurs with the definition of the project APE, and concurs with the NRHP eligibility determinations of the four archaeological sites documented during the November 2023 inventory. Letter recommends that the project proceed as planned provided that a Tribal monitor is present during construction, and provided that the stipulations outlined in the proposed Treatment Plan and Memorandum of Agreement are followed.
07/18/24	Electronic copies of Section 106 consultation and draft copies of the Memorandum of Agreement (MOA) and Treatment Plan submitted to the Blackfeet THPO; MRJBOC; Montana SHPO; USACE; BIA; and BoR. Recipients were notified that the MOA & Treatment Plan to resolve effects for Alternatives 2 and 3 of the Plan EIS are draft versions only, and that NRCS Montana requests advice and input for further development.
07/19/24	Physical copies of Section 106 consultation and draft copies of the Memorandum of Agreement (MOA) and Treatment Plan submitted to the Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Business Council; Blackfeet THPO; MRJBOC; Montana SHPO; USACE; BIA; and BoR. Recipients were notified that the MOA & Treatment Plan to resolve effects for Alternatives 2 and 3 of the Plan EIS are draft versions only, and that NRCS Montana requests advice and input for further development.
08/01/24	Email comment received from Montana SHPO on the draft MOA & Treatment Plan. Montana SHPO indicated that the documents look good, but clarification is needed on the National Register nomination section and the completion of mitigation.
08/27/24	Follow-up email sent to Blackfeet THPO to follow up on electronic and hard copies of the MOA & Treatment Plan sent 07/19/2024. Comments, edits, and/or additions were requested so that they could be incorporated into both documents. Also followed up to request involvement of Montana SHPO as a consulting party in accordance with 36 CFR Part 800.2(c)(1)(ii) and 36 CFR Part 800.3(c)(1).
08/27/24	Follow-up emails exchanged with MRJBOC to follow up on electronic and hard copies of the MOA & Treatment Plan sent 07/19/2024. Comments, edits, and/or additions were requested so that they could be incorporated into both documents. MRJBOC responded and indicated that they had no issues or comments on the MOA & Treatment Plan.
08/27/24	Follow-up email sent to BoR to follow up on electronic and hard copies of the MOA & Treatment Plan sent 07/19/2024. Comments, edits, and/or additions were requested so that they could be incorporated into both documents.
08/27/24	Follow-up emails exchanged with BIA to follow up on electronic and hard copies of the MOA & Treatment Plan sent 07/19/2024. Comments, edits, and/or additions were requested so that they could be incorporated into both documents.

<b>Section 106 Records Associated With the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds, Glacier County, Montana</b>	
<b>Date</b>	<b>Section 106 Consultation Record</b>
08/27/24	Follow-up email sent to USACE to follow up on electronic and hard copies of the MOA & Treatment Plan sent 07/19/2024. Comments, edits, and/or additions were requested so that they could be incorporated into both documents.
08/29/24	Emails received from USACE following up on electronic and hard copies of the MOA & Treatment Plan sent 07/19/2024. USACE requests that NRCS work with THPO on the Historic Properties Treatment Plan (HPTP). USACE also requests that the MOA & HPTP include more specific language for notification in the event of unanticipated discoveries.
08/30/24	Comments received from BIA on MOA & Treatment Plan. BIA supports nomination of 24GL1172 for listing in the NRHP and requests additional work on the testing & treatment plan at 24GL1172. Comments also request further clarification on BIA notifications for unanticipated discoveries.
09/17/24	Email sent to Blackfeet THPO from Andrew Mueller (HDR Archaeologist) requesting feedback & comments for the MOA & Treatment Plan
10/11/24	Follow-up emails exchanged with Blackfeet THPO & Andrew Mueller (HDR Archaeologist) requesting feedback & comments for the MOA & Treatment Plan. Gheri Hall (Deputy THPO) indicated that the documents have been forwarded to John Murray (THPO) for further review.
11/18/24	Phone call with Gheri Hall to discuss the MOA & Treatment Plan, and the potential for listing 24GL1172 in the NRHP. Gheri informed NRCS that these documents have been under review in the last week and THPO is working towards providing comments. Gheri requested the comments from BIA on the MOA & Treatment Plan so that they could review and consider the listing. Comments were forwarded to Blackfeet THPO at conclusion of the call.
11/19/24	Follow-Up email sent to Blackfeet THPO outlining mitigation ideas discussed during the 11/18/2024 phone call between NRCS Montana and Blackfeet THPO.
01/07/25	Follow-Up email sent to Blackfeet THPO outlining requesting feedback on mitigation ideas discussed during the 11/18/2024 phone call between NRCS Montana and Blackfeet THPO.
07/17/25	During an internal meeting with the NRCS Montana Cultural Resources Specialist, the Acting NRCS Federal Preservation Officer, and NRCS National Water Management Center Staff, it was determined that development of a Programmatic Agreement (PA) would be more appropriate for phased identification and the resolution of adverse effects. It was further recommended that ACHP be notified and invited to participate in the development of the PA before continuing work on proposed mitigation and phased identification measures.
08/18/25	NRCS Montana formally notified the Advisory Council on Historic Preservation (ACHP) of adverse effects to historic properties from Alternatives 2 & 3 of the Watershed Plan-EIS and invited ACHP participation in the undertaking and the development of the PA.
08/25/25	The ACHP acknowledged receipt of NRCS Montana's notification of adverse effects and declined further participation.

<b>Section 106 Records Associated With the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds, Glacier County, Montana</b>	
<b>Date</b>	<b>Section 106 Consultation Record</b>
09/16/25	Hard & electronic copies of Section 106 status update submitted to the Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Business Council; Blackfeet THPO; MRJBOC; USACE; BIA; and BoR. The status update notified consulting parties of the ACHP notification and their decision to decline further participation. The update also requested concurrence for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance.
09/30/25	Concurrence received from BoR for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance.
11/19/25	Concurrence received from MRJBOC for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance.
11/19/25	Email follow-up emails sent to Blackfeet THPO, BIA, and USACE requesting concurrence for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance.
11/19/25	Phone calls and emails exchanged with BIA Supervisory Environmental Protection Specialist regarding Section 106 consultation. BIA requested further discussion and clarification on their involvement in the Plan-EIS given recent staffing turnover.
11/20/25	Concurrence received from USACE for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance.
11/21/25	Concurrence received from Blackfeet THPO for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance.
11/21/25	Phone calls and emails exchanged with BIA Supervisory Environmental Protection Specialist to provide a briefing on Section 106 consultation and to request concurrence for changes in the definition of the APE, and for the development of a PA for further Section 106 compliance. BIA indicated that the document is under review at their Central Office. BIA further requested a meeting to discuss general work around the Saint Mary Canal system.
01/09/26	Email follow-up emails sent to BIA requesting a status update on their review for concurrence to changes in the definition of the APE, and for the development of a PA for further Section 106 compliance. NRCS further indicated that a meeting was being planned with BIA and BoR to give a status update for ongoing Saint Mary Canal projects. Meeting is scheduled for 02/05/2026.
01/28/26	Hard & electronic copies of the Draft PA submitted to the Blackfeet Tribe of the Blackfeet Reservation of Montana, Tribal Business Council; Blackfeet THPO; MRJBOC; USACE; BIA; and BoR.

## Appendix A6. Consultation Documents



United States  
Department of  
Agriculture

Farm  
Production  
and  
Conservation

Natural  
Resources  
Conservation  
Service

Montana State Office  
10 East Babcock Street  
Room 443  
Bozeman, MT 59715

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June 27, 2023

Jo'Etta Plumage  
Archaeologist  
U.S. Bureau of Indian Affairs  
Rocky Mountain Region Office  
316 North 26<sup>th</sup> Street  
Billings MT 59107

Dear Ms. Plumage:

Subject: Initiation of Section 106 Consultation for the Milk River Joint Board of Control - St. Mary Canal Modernization Project

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) of Montana is initiating consultation in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its supporting regulations found in 36 CFR Part 800 for the proposed rehabilitation and modernization of the St. Mary's Canal. Currently, NRCS Montana is overseeing development of a Watershed Plan – Environmental Impact Statement (Plan-EIS) for the Milk River Joint Board of Control (MRJBOC)- St. Mary Canal Modernization Project (Project). This Plan EIS will consider alternatives to increase water supply reliability for water users and reduce hazards associated with conveyance system failure. The Plan-EIS will assess the 29-mile St. Mary's Canal along its existing alignment, and associated facilities including siphons and concrete drops.

The Watershed Protection and Flood Prevention Act of 1954 (PL83-566), authorizes NRCS to provide technical, financial, and credit assistance to the MRJBOC as the Sponsoring Local Organization. Federal investments through PL83-566 must comply with the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies and Federal Water Resource Investments (PR&G) and the NHPA.

NRCS is the lead federal agency and will be meeting requirements of the NHPA, the National Environmental Protection Act (NEPA), and the PR&Gs through the watershed planning process. The U.S. Bureau of Reclamation (Reclamation) is a cooperating agency on this Project. Other Consulting parties for Section 106 compliance include the Blackfeet Nation, the Blackfeet Nation Tribal Historic Preservation Officer (THPO), the United States Bureau of Indian Affairs (BIA), and the United States Army Corps of Engineers (USACE).

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<https://www.milkriverproject.com/projects/watershed/>

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*Mail:* Andrew Williamson, Cultural Resources Specialist, 10 East Babcock Street, Room 443, Bozeman, MT 59715. For written comments, specify the docket ID NRCS-2023-0010.

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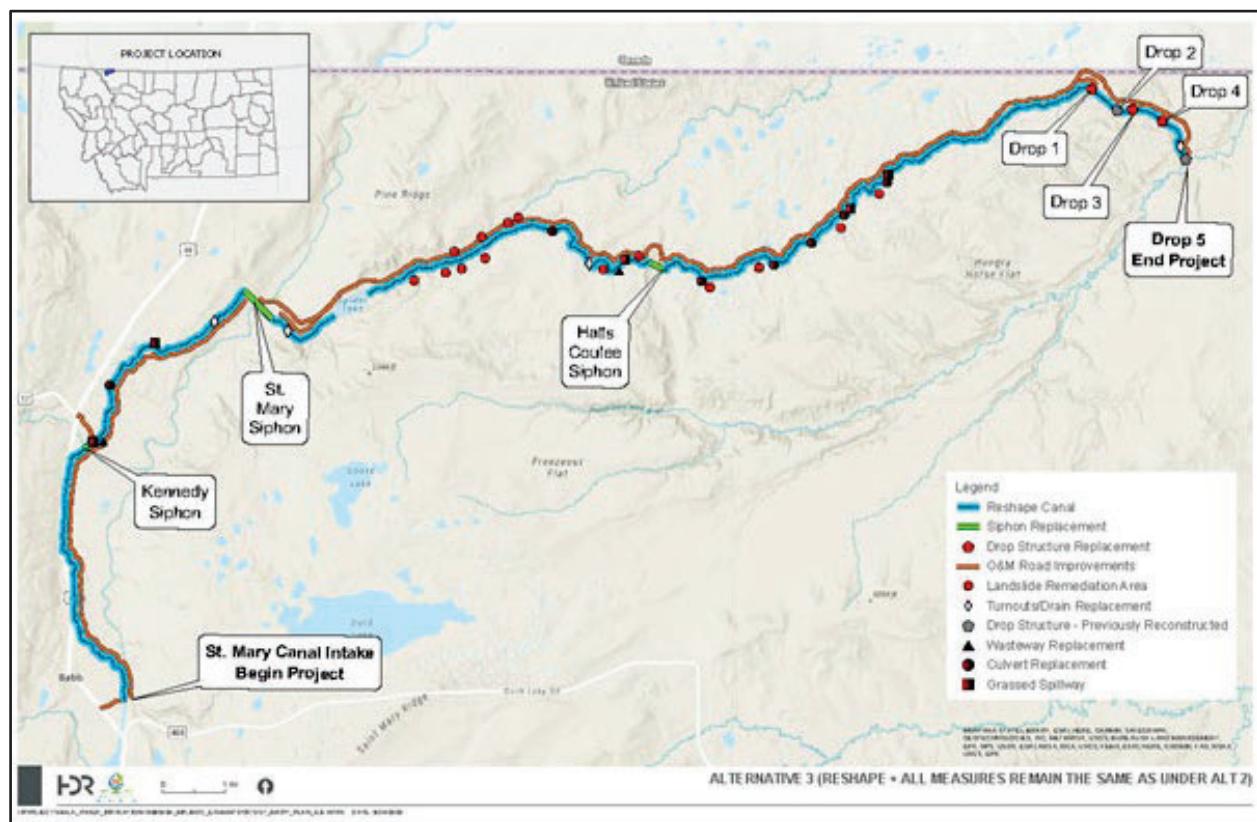
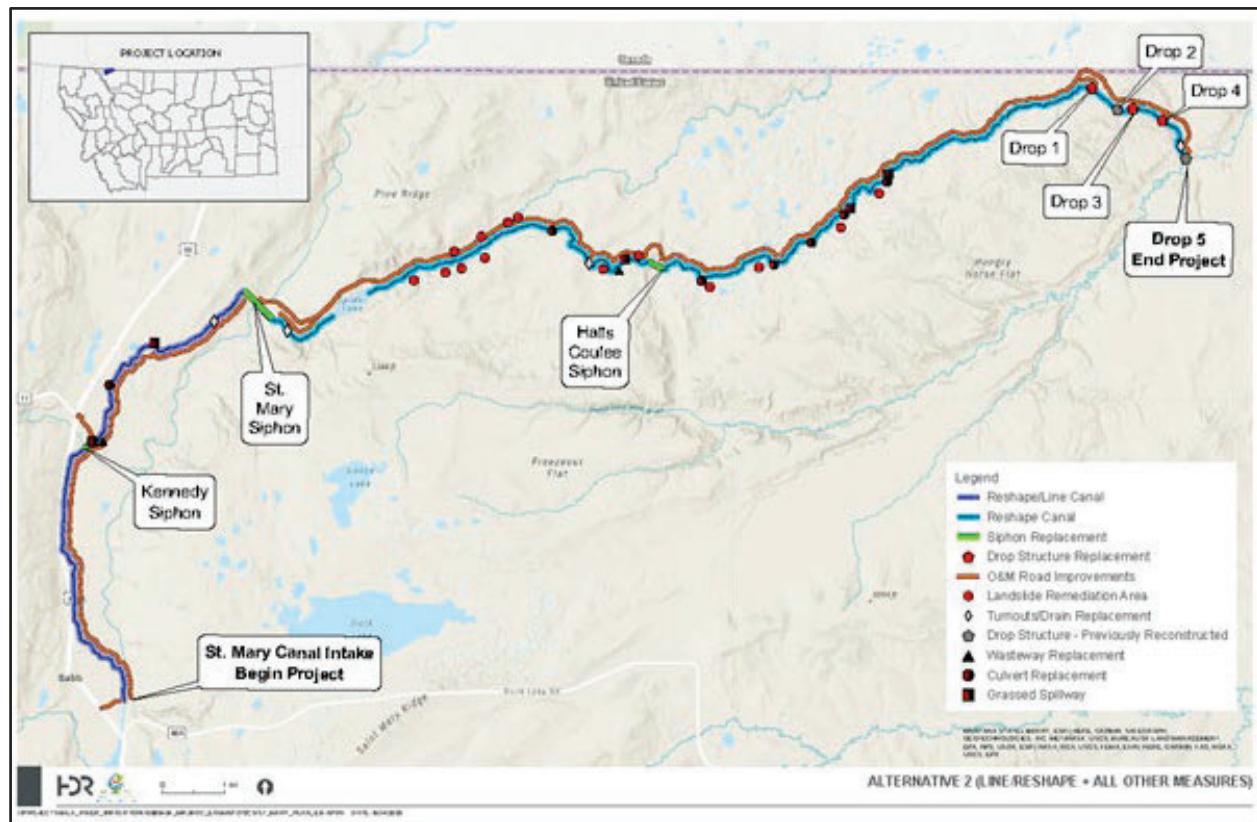
Thank you for your time and input in consideration of this Project.

Sincerely,

**KYLE**  
**TACKETT**

Digitally signed by  
KYLE TACKETT  
Date: 2023.06.28  
17:22:58 -06'00'

Kyle Tackett  
Acting Montana State Conservationist





United States  
Department of  
Agriculture

Farm  
Production  
and  
Conservation

Natural  
Resources  
Conservation  
Service

Montana State Office  
10 East Babcock Street  
Room 443  
Bozeman, MT 59715

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June 27, 2023

Rick Hanson  
Area Archaeologist  
U.S. Bureau of Reclamation  
Montana Area Office  
P.O. Box 30137  
Billings MT 59107

Dear Mr. Hanson:

Subject: Initiation of Section 106 Consultation for the Milk River Joint Board of Control - St. Mary Canal Modernization Project

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) of Montana is initiating consultation in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its supporting regulations found in 36 CFR Part 800 for the proposed rehabilitation and modernization of the St. Mary's Canal. Currently, NRCS Montana is overseeing development of a Watershed Plan – Environmental Impact Statement (Plan-EIS) for the Milk River Joint Board of Control (MRJBOC)- St. Mary Canal Modernization Project (Project). This Plan EIS will consider alternatives to increase water supply reliability for water users and reduce hazards associated with conveyance system failure. The Plan-EIS will assess the 29-mile St. Mary's Canal along its existing alignment, and associated facilities including siphons and concrete drops.

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NRCS is the lead federal agency and will be meeting requirements of the NHPA, the National Environmental Protection Act (NEPA), and the PR&Gs through the watershed planning process. The U.S. Bureau of Reclamation (Reclamation) is a cooperating agency on this Project. Other Consulting parties for Section 106 compliance include the Blackfeet Nation, the Blackfeet Nation Tribal Historic Preservation Officer (THPO), the United States Bureau of Indian Affairs (BIA), and the United States Army Corps of Engineers (USACE).

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<https://www.milkriverproject.com/projects/watershed/>

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Thank you for your time and input in consideration of this Project.

Sincerely,

**KYLE**  
**TACKETT**

Digitally signed  
by KYLE TACKETT  
Date: 2023.06.28  
17:24:54 -06'00'

Kyle Tackett  
Acting Montana State Conservationist



United States  
Department of  
Agriculture

Farm  
Production  
and  
Conservation

Natural  
Resources  
Conservation  
Service

Montana State Office  
10 East Babcock Street  
Room 443  
Bozeman, MT 59715

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June 27, 2023

The Honorable Illiff “Scott” Kipp Sr., Chairman  
Blackfeet Tribal Business Council  
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana  
All Chiefs Square  
P.O. Box 850  
Browning, MT 59417

Dear Chairman Kipp:

Subject: Initiation of Section 106 Consultation for the Milk River Joint Board of Control - St. Mary Canal Modernization Project

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) of Montana is initiating consultation in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its supporting regulations found in 36 CFR Part 800 for the proposed rehabilitation and modernization of the St. Mary’s Canal. Currently, NRCS Montana is overseeing development of a Watershed Plan – Environmental Impact Statement (Plan-EIS) for the Milk River Joint Board of Control (MRJBOC)- St. Mary Canal Modernization Project (Project). This Plan EIS will consider alternatives to increase water supply reliability for water users and reduce hazards associated with conveyance system failure. The Plan-EIS will assess the 29-mile St. Mary’s Canal along its existing alignment, and associated facilities including siphons and concrete drops.

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Sincerely,

**KYLE**  
**TACKETT**

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by KYLE TACKETT  
Date: 2023.06.28  
17:26:02 -06'00'

Kyle Tackett  
Acting Montana State Conservationist

Attachment: Maps of Potential Alternatives Being Considered



United States  
Department of  
Agriculture

Farm  
Production  
and  
Conservation

Natural  
Resources  
Conservation  
Service

Montana State Office  
10 East Babcock Street  
Room 443  
Bozeman, MT 59715

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June 27, 2023

John Murray  
Tribal Historic Preservation Officer  
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana  
P.O. Box 850  
Browning, MT 59417

Dear Mr. Murray:

Subject: Initiation of Section 106 Consultation for the Milk River Joint Board of Control - St. Mary Canal Modernization Project

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**KYLE**  
**TACKETT**  
Digitally signed  
by KYLE TACKETT  
Date: 2023.06.28  
17:24:00 -06'00'

Kyle Tackett  
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10 East Babcock Street  
Room 443  
Bozeman, MT 59715

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June 27, 2023

Jennifer R. Winter, MA, RPA  
Regulatory Archaeologist  
U.S. Army Corps of Engineers  
Omaha District, South Dakota Regulatory Office  
28563 Powerhouse Road  
Pierre, SD 57501

Dear Ms. Winter:

Subject: Initiation of Section 106 Consultation for the Milk River Joint Board of Control - St. Mary Canal Modernization Project

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**TACKETT** Digitally signed  
by KYLE TACKETT  
Date: 2023.06.28  
17:21:24 -06'00'

Kyle Tackett  
Acting Montana State Conservationist

**Montana State Office**

10 East Babcock Street, Room 443  
Bozeman, Montana 59715  
(406) 587-6811

September 10, 2025

Melissa Passes  
Supervisory Environmental Protection Specialist  
Branch of Environmental Planning and Cultural Resource Management  
U.S. Bureau of Indian Affairs  
Rocky Mountain Region Office  
2021 Fourth Avenue North  
Billings MT 59101

Subject: Status Update for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Ms. Passes,

NRCS Montana would like to provide you with a status update on Section 106 activities related to the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (Plan-EIS). Work by NRCS Montana on this undertaking has been intermittent in recent months as we have navigated funding availability, staffing changes, and a Programmatic review of the Plan-EIS Draft submitted to our National Water Management Center and National Headquarters. Those comments were received last Fall and we are in the process of working with the Project Sponsor- the Milk River Joint Board of Control (MRJBOC) -and its subcontractors to address comments and make changes to the Plan-EIS.

As it specifically relates to Section 106 compliance there have been three key developments, two of which require your attention as we resume work on this undertaking. First, the failure and replacement of the Saint Mary Siphon and the proposed replacement of the Halls Coulee Siphon have resulted in changes to how the Area of Potential Effects (APE) is defined. NRCS Montana defines the APE for this undertaking as the footprint of Alternatives 2 and 3, which total 1,240.28 acres. The APE includes a 300-foot-wide corridor (150 feet either side of centerline) for the proposed canal, Kennedy Creek siphon, and wastewater modernizations; a 100-foot-wide corridor (50 feet either side of centerline) on O&M roads requiring modernization; a 1,000-foot diameter construction footprint centered on Drop Structures 1, 3, and 4; and a 100-foot buffer around the perimeters of two proposed material source pits near Babb. Importantly, the diversion dam, Saint Mary Siphon, Halls Coulee Siphon, and Drop Structures 2 and 5 are within the APE but are now excluded from further consideration for Section 106 compliance as they have been or will be repaired and replaced under separate Federal undertakings. Additional staging areas/laydown yards will likely be required, but these have not been identified and have not been included in the current definition of the APE. The APE remains subject to refinement through development of NEPA and additional Section 106 consultation for the selected Alternative.

The second development relates to the proposed phased approach for further identification and evaluation of historic properties and effects for this undertaking. As you are aware, project Alternatives for the Plan-EIS are still in development and design work is currently estimated at 10%. As such, NRCS Montana has sought to defer final identification and evaluation of historic properties in accordance with 36 CFR 800.4(b)(2) until Project Alternatives are refined and design work is sufficiently complete. NRCS Montana and HDR, Inc. drafted a Memorandum of Agreement (MOA) and Treatment Plan and provided copies of these documents to the consulting parties for this undertaking in July 2024 for review and comment. These documents outlined mitigation measures to resolve adverse effects and future identification work associated with selection of Alternatives 2 or 3 of the Plan-EIS.

Since that time, this undertaking has been reviewed by NRCS National Water Management Center and National Headquarters, and it has been recommended that a Programmatic Agreement (PA) would be more appropriate than an MOA. Generally, a PA is better suited to this undertaking given its overall complexity, since effects to historic properties are not fully known at this stage of development, and since additional identification and evaluation work will be necessary based on the selected Project Alternative. Going forward, NRCS Montana will revise the draft MOA into a PA in accordance with 36 CFR Part 800.14(b). The PA will establish the process for the resolution of adverse effects and will outline the process for further identification and treatment of historic properties.

Finally, NRCS Montana has provided notification to the Advisory Council on Historic Preservation (AHP) in accordance with 36 CFR 800.6(a)(1) that selection of either Alternatives 2 or 3 of the Plan-EIS will result in adverse effects to historic properties within the APE. This information was submitted on August 18, 2025. The AHP has been invited to participate in the resolution of adverse effects and the development of the PA. In a letter dated August 25, 2025, the AHP has declined to join the consultation for this undertaking.

NRCS Montana requests concurrence for the revised definition of the APE as noted above. Further, NRCS Montana requests concurrence for the utilization of a phased approach to Section 106 compliance in accordance with 36 CFR 800.4(b)(2) and the development of a PA to outline procedures for further identification, evaluation, and treatment of historic properties.

You may ask questions related to the Plan-EIS to Paul Smidansky at [Paul.Smidansky@usda.gov](mailto:Paul.Smidansky@usda.gov) or (406) 587-6827, and those pertaining to Section 106 compliance to Andrew Williamson at [Andrew.Williamson@usda.gov](mailto:Andrew.Williamson@usda.gov) or (406) 587-6968.

Sincerely,

Gayle Barry  
*Acting State Conservationist*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana  
Monica Pokorny, Acting State Resource Conservationist, Bozeman, Montana  
Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana

**Memorandum of Understanding  
Between  
United States Department of Agriculture Natural Resources Conservation Service  
And  
The Blackfeet Tribal Business Council  
For**

**Preparing the Watershed Plan-Environmental Impact Statement for the Milk River Irrigation Joint  
Board of Control- St. Mary Canal Modernization Project**

This Memorandum of Understanding (MOU) is between the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), and the Blackfeet Tribal Business Council (Blackfeet Nation) jointly referred to as the Parties. This MOU identifies the shared understandings about the roles and responsibilities for planning and completing environmental compliance activities for the Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River Irrigation Joint Board of Control (MRJBOC) - St. Mary Canal Modernization Project (Project), specifically actions required by the National Environmental Policy Act (NEPA).

## **1. Introduction and Purpose**

The NRCS has recently initiated a Plan-EIS process, in collaboration with the MRJBOC, the Bureau of Reclamation, the Farmer's Conservation Alliance, and HOR Engineering Company. The proposed Plan-EIS will examine alternatives for improving the St. Mary Canal system and analyze associated environmental effects. The primary purpose of the proposed watershed project is to improve agricultural water management by rehabilitating and modernizing the St. Mary Canal along its existing alignment in Glacier County, Montana.

The proposed project is needed due to existing system inadequacies, as well as the risk of infrastructure failure. The current system inadequacies have reduced the water delivery reliability to water users who rely on the St. Mary Canal for agricultural, municipal, residential, industrial, and recreational uses. The Milk River Project supplies water to approximately 120,000 acres, including eight irrigation districts, the Blackfeet Indian Reservation, private irrigators, municipalities, and the Bowdoin National Wildlife Refuge.

The proposed Project will address the deteriorating state of the St. Mary Canal and associated infrastructure including the 29-mile St. Mary Canal, siphons, and concrete drops. Structures have exceeded their design life and require major repairs or replacement. Failure could lead to environmental damage on the Blackfeet Indian Reservation, the St. Mary River, and the North Fork Milk River.

On April 10, 2023, NRCS invited the Blackfeet Nation to be a cooperating or participating agency on the Project for meeting compliance with the NEPA. The Parties will fulfill a suite of tasks with the Blackfeet Nation fulfilling responsibilities typically associated with the role of a participating agency.

The purpose of this MOU is to document respective roles and responsibilities, as a framework for coordination and cooperation between the NRCS, as lead federal agency, and the Blackfeet Nation, as a participating tribe regarding the Plan-EIS. The Blackfeet Nation will be actively informed and engaged in the Plan-EIS scoping process, given their interest as a direct stakeholder.

Tribal consultation and coordination with the Blackfeet Nation regarding the National Historic Preservation Act will occur separately, but in tandem with this environmental compliance processes. A subsequent MOA may be prepared to facilitate the tribal, traditional, cultural, and historic consultation aspect of the process.

As a minimum, the following potential resource issues and environmental impacts will be analyzed as part of the Plan-EIS: Cultural Resources, Economics, Soils, Land Use, Environmental Justice, Endangered and Threatened Species, Wildlife, Hydrology, Wetlands, Vegetation, Climate Change, and Ecosystem Services. Executive Order 12898 outlines requirements for environmental justice for Federal Actions to address Environmental Justice in Minority Populations and Low-Income Populations (issued February 1994). Indian Tribes are a specific population of concern per the Executive Order and the affected project area is entirely on the Blackfeet Nation's Reservation. Therefore, inclusion as a participating agency in the planning process would help to ensure the Blackfeet Nation has: 1. An opportunity to comment before decisions are rendered on a proposed Federal action; 2. Been allowed to share in the benefits of the proposed action; and 3. Not been disproportionately affected in a severely adverse manner.

## **2. Authorities**

NEPA provides the authority of the lead and the participating agencies to enter into this agreement. NRCS is lead agency for this Project because it would be an action under the Watershed Protection and Flood Prevention Program, Public Law 83-566, which NRCS administers. Tribes can be designated as a participating agency when they have an interest in project outcome. Blackfeet Nation is participating with NRCS under NEPA. For the purposes of this agreement, NRCS understands Blackfeet Nation interests to include land use and water rights, since the Canal lies completely within the Reservation. Further, jurisdiction includes Blackfeet Nation's Aquatic Lands Protection Ordinance 117, and if NRCS decides to select an action alternative after the Plan-EIS process, implementation of the Project would require an Ordinance 117 permit.

The following authorize activities considered under this MOU:

- a The Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566), as amended, and the Flood Control Act of 1944 (Public Law 78-534).
- b NEPA of 1969, 42 U.S.C. §§ 4321-4347, as amended.
- c Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, 40 C.F.R. parts 1500-1508.
- d Compliance with NEPA, Procedures for NRCS-Assisted Programs 7 C.F.R Part 650, Subpart A.

## **3. NRCS's Roles and Responsibilities**

In accordance with the National Watershed Program Manual (Title 390-500-M, 4th Ed., Apr 2014), NRCS must solicit review and comments from the Blackfeet Nation on the Draft Plan-EIS, following the NRCS' National Water Management Center review.

In accordance with 40 C.F.R. § 1501 and 7 C.F.R. § 650, NRCS as the lead agency will:

- a. Supervise the preparation of the Plan-EIS.
- b. Develop a schedule, setting milestones for all environmental reviews and authorizations required for implementation of the action, in consultation with participating agencies, as soon as practicable.
- c. Notify appropriate officials at the responsible agencies, as soon as practicable, if it anticipates a missed milestone, and work with them to resolve the issue for timely resolution.
- d. Coordinate the participation of all concerned agencies in developing the Plan-EIS.
- e. Invite the participation of affected Tribal governments, as part of the scoping process.
- f. Request assistance of cooperating agencies, to broaden the expertise in planning, help to avoid future conflict, determine the scope of Project issues, and identify the significant issues related to a proposed action.

#### **4. Blackfeet Tribal Business Council's Roles and Responsibilities**

In addition to the joint roles and responsibilities listed in the General Provisions below, if the Blackfeet Nation has critique on the NRCS methodology in the Plan-EIS process, the Blackfeet Nation will engage NRCS to describe an alternative methodology and why in accordance with 40 CFR §1503.3.

#### **S. Dispute Resolution**

In all instances of questions regarding content, environmental data, analysis, evaluation, and wording, the Parties shall make the final determination on such issues a decision document.

Any dispute that arises concerning the environmental review or authorization decisions that and cannot be resolved at a staff level shall be elevated to senior leadership.

#### **6. Contacts**

The principal contacts for this MOU are:

Natural Resources Conservation Service  
 Tom Watson, State Conservationist  
 10 East Babcock Street, Room 443  
 Bozeman, MT 59715  
 Email: [torn.wahon@usda.gov](mailto:torn.wahon@usda.gov)

Blackfeet Tribal Business Council  
 Illiff "Scott" Kipp Sr., Chairman  
 640 All Chiefs Road  
 Browning, MT 59417  
 Email:

Secondary contacts for this MOU are:

Natural Resources Conservation Service  
 Kyle Tackett, ASTC Partnerships  
 20 Barrett St.  
 Dillon, MT 59725  
 Email: [1yP.t.t.kPtt@u\\_scl.q\\_gQy](mailto:1yP.t.t.kPtt@u_scl.q_gQy)

Blackfeet Tribal Business Council  
 Gerald Lunak, Water Resources Director  
 640 All Chiefs Road  
 Browning, MT 59417  
 Email: [jl.unak@blackfeetnatl9C1.fQrD](mailto:jl.unak@blackfeetnatl9C1.fQrD)

Natural Resources Conservation Service  
 Rob Molacek, P.E., State Conservation Engineer  
 10 East Babcock Street, Room 443  
 Bozeman, MT 59715  
 Email: [robert.molacek@usda.gov](mailto:robert.molacek@usda.gov)

Blackfeet Tribal Business Council  
 K Webb, Blackfeet Water Resources Lead  
 640 All Chiefs Road  
 Browning, MT 59417  
 Email: [kwebb@blackfeetnation.com](mailto:kwebb@blackfeetnation.com)

## 7. General Provisions

- a. The United States Department of Agriculture Natural Resources Conservation Service (NRCS) and Blackfeet Tribal Business Council (Blackfeet Nation) and their respective agencies and offices will manage their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will conduct its separate activities in a coordinated and mutually beneficial manner.
- b. Nothing in this MOU shall obligate either the Department of Agriculture Natural Resources Conservation Service (NRCS) or Blackfeet Tribal Business Council (Blackfeet Nation) to obligate or transfer any funds. Specific **work** projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Department of Agriculture and Blackfeet Tribal Business Council (Blackfeet Nation) will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
- c. This MOU takes effect upon the signature of the Parties and shall remain in effect until NRCS issues a decision document. This MOU may be extended or amended upon written request of either the United States Department of Agriculture Natural Resources Conservation Service (NRCS) or Blackfeet Tribal Business Council (Blackfeet Nation) and the subsequent written concurrence of the other(s). Either the United States Department of Agriculture Natural Resources Conservation Service (NRCS) or Blackfeet Tribal Business Council (Blackfeet Nation) may terminate this MOU with a 60-day written notice to the other(s).
- d. Officials not to Benefit. No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of the MOU or to any benefit that may arise out of it.
- e. Management of Information: Any information furnished to the Parties under this MOU is subject to the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 522a). Data provided pursuant to this MOU may contain proprietary or pre-decisional information. Before release and to the extent possible, the originating Party shall review all records or information requested of any Party. To the extent permissible under law, any recipient of proprietary or pre-decisional information agrees not to disclose this information to the public or other parties. To the extent permissible by law, any recipient of this information agrees not to transmit or otherwise divulge this information without approval from the originating Party. Any breach of this provision may result in termination of this MOU. Requests will be made for information through the points of contact identified above.

- f. Responsibilities for decision making. While the parties agree to make reasonable efforts to resolve procedural and substantive disagreements, they acknowledge that Blackfeet Nation retain final responsibility for their permitting and NRCS retains responsibility for its final compliance documentation.
- g. Savings clause. Nothing in this agreement will conflict with current law, regulations, or directives. If a term of this MOU is inconsistent with such authority, the term shall be stricken, and the remaining terms and conditions of the MOU shall remain in full force and effect.
- h. This MOU is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
- i. Nothing in this Agreement shall be construed as requiring a Party to expend funds in violation of the Federal Anti-deficiency Act codified at 31 U.S.C. § 1341.
- j. The Parties will provide comments and limit its comments to those matters for which it has jurisdiction by law or special expertise with respect to any environmental issue.
- k. The Parties will provide updates for key meetings, milestones, and issues during the completion of the Plan-EIS.

## **7. Third Party Beneficiary Rights**

The parties do not intend to create in any other individual or entity the status of a third-party beneficiary, and this MOU shall not create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU and shall inure solely to the benefit of the parties to this MOU. The MOU provisions are only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties' signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

**8. Acceptance of this Memorandum of Understanding**

IN WITNESS WHEREOF, the parties hereto have read, understood, and executed this MOU as of the last date written below.

Date:

July 14, 2023

Kyle Tackett, Acting  
Tom Watson, State Conservationist  
USDA, Natural Resources Conservation Service

Date:

Jeff Scott Kipp-S

7-12-23  
Jeff "Scott" Kipp Sr., Chairman  
Blackfeet Tribal Business Council

~~ End of Document ~~

**Montana State Office**

10 East Babcock Street, Room 443  
Bozeman, Montana 59715  
(406) 587-6811

January 27, 2026

Mr. John Murray, Blackfeet Tribal Historic Preservation Officer  
Blackfeet Tribal Historic Preservation Office  
Attention: Ms. Gheri Hall, Deputy Blackfeet Tribal Historic Preservation Officer  
Buffalo Bull Lodge  
46 Gentle Street, P.O. Box 487  
Browning, Montana 59417

Subject: Programmatic Agreement for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Mr. Murray and Ms. Hall,

NRCS Montana is providing you with the enclosed draft of a Programmatic Agreement (PA) for review and input in accordance with 36 CFR 800. Distribution of this document follows up on Section 106 consultation for the Draft Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River and Saint Mary Watersheds from September 10, 2025 wherein use of a PA was proposed. An electronic copy of this document has been submitted separately through email correspondence.

As indicated previously, project Alternatives for the Milk River and Saint Mary Watersheds Plan-EIS are still in development and design work is estimated at 10%. In accordance with 36 CFR 800.4(b)(2), NRCS Montana has developed the enclosed PA and has sought to defer final identification and evaluation of historic properties until Project Alternatives are refined and design work is sufficiently complete. This PA will establish the process for the resolution of adverse effects and will outline the process for further identification and treatment of historic properties.

The Blackfeet Tribal Historic Preservation Office will participate in the development of this agreement as a Required Signatory, along with NRCS Montana. Invited Signatories will include the U.S. Bureau of Reclamation and the Milk River Joint Board of Control. Concurring Parties will include the Blackfeet Nation of the Blackfeet Indian Reservation of Montana, the U.S. Bureau of Indian Affairs, and the U.S. Army Corps of Engineers.

You may ask questions related to the Plan-EIS to Paul Smidansky at [Paul.Smidansky@usda.gov](mailto:Paul.Smidansky@usda.gov) or (406) 587-6827, and those pertaining to Section 106 compliance to Andrew Williamson at [Andrew.Williamson@usda.gov](mailto:Andrew.Williamson@usda.gov) or (406) 587-6968.

Sincerely,

**Gayle N. Barry**  
*State Conservationist,*  
*NRCS Montana*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana

Joel Lalibery, Acting State Resource Conservationist, Bozeman, Montana

Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana

**Montana State Office**

10 East Babcock Street, Room 443  
Bozeman, Montana 59715  
(406) 587-6811

January 27, 2026

Illiff "Scott" Kipp Sr., Chairman  
Blackfeet Tribal Business Council, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana  
All Chiefs Square  
P.O. Box 850  
Browning, Montana 59417

Subject: Programmatic Agreement for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Mr. Kipp,

NRCS Montana is providing you with the enclosed draft of a Programmatic Agreement (PA) for review and input in accordance with 36 CFR 800. Distribution of this document follows up on Section 106 consultation for the Draft Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River and Saint Mary Watersheds from September 10, 2025, wherein use of a PA was proposed. An electronic copy of this document has been submitted separately through email correspondence.

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The Blackfeet Nation of the Blackfeet Indian Reservation of Montana will participate in the development of this agreement as a Concurring Party. The Required Signatories will include NRCS Montana and the Blackfeet Tribal Historic Preservation Officer. Invited Signatories will include the U.S. Bureau of Reclamation and the Milk River Joint Board of Control. Other Concurring Parties will include the U.S. Bureau of Indian Affairs and the U.S. Army Corps of Engineers.

You may ask questions related to the Plan-EIS to Paul Smidansky at [Paul.Smidansky@usda.gov](mailto:Paul.Smidansky@usda.gov) or (406) 587-6827, and those pertaining to Section 106 compliance to Andrew Williamson at [Andrew.Williamson@usda.gov](mailto:Andrew.Williamson@usda.gov) or (406) 587-6968.

Sincerely,

**Gayle N. Barry**  
*State Conservationist,*  
*NRCS Montana*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana

Joel Lalibery, Acting State Resource Conservationist, Bozeman, Montana

Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana



**Montana State Office**  
10 East Babcock Street, Room 443  
Bozeman, Montana 59715

January 27, 2026

Emily Meick, Archaeologist  
Bureau of Reclamation- Montana Area Office  
2900 4<sup>th</sup> Avenue North, Suite 501  
Billings, Montana 59101

Subject: Programmatic Agreement for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Ms. Meick,

NRCS Montana is providing you with the enclosed draft of a Programmatic Agreement (PA) for review and input in accordance with 36 CFR 800. Distribution of this document follows up on Section 106 consultation for the Draft Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River and Saint Mary Watersheds from September 10, 2025, wherein use of a PA was proposed. An electronic copy of this document has been submitted separately through email correspondence.

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The U.S. Bureau of Reclamation will participate in the development of this agreement as an Invited Signatory. The Required Signatories will include NRCS Montana and the Blackfeet Tribal Historic Preservation Officer. Other Invited Signatories will include the Milk River Joint Board of Control. Concurring Parties will include the Blackfeet Nation of the Blackfeet Indian Reservation of Montana, the U.S. Bureau of Indian Affairs, and the U.S. Army Corps of Engineers.

You may ask questions related to the Plan-EIS to Paul Smidansky at [Paul.Smidansky@usda.gov](mailto:Paul.Smidansky@usda.gov) or (406) 587-6827, and those pertaining to Section 106 compliance to Andrew Williamson at [Andrew.Williamson@usda.gov](mailto:Andrew.Williamson@usda.gov) or (406) 587-6968.

Sincerely,

**Gayle N. Barry**  
*State Conservationist,*  
*NRCS Montana*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana

Joel Lalibery, Acting State Resource Conservationist, Bozeman, Montana

Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana

**Montana State Office**

10 East Babcock Street, Room 443  
Bozeman, Montana 59715  
(406) 587-6811

January 27, 2026

Wade Jones, Chairman  
Milk River Joint Board of Control  
1475 1<sup>st</sup> Avenue  
Havre, Montana 59501

Subject: Programmatic Agreement for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Mr. Jones,

NRCS Montana is providing you with the enclosed draft of a Programmatic Agreement (PA) for review and input in accordance with 36 CFR 800. Distribution of this document follows up on Section 106 consultation for the Draft Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River and Saint Mary Watersheds from September 10, 2025 wherein use of a PA was proposed. An electronic copy of this document has been submitted separately through email correspondence.

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The Milk River Joint Board of Control will participate in the development of this agreement as an Invited Signatory. The Required Signatories will include NRCS Montana and the Blackfeet Tribal Historic Preservation Officer. Other Invited Signatories will include the U.S. Bureau of Reclamation. Concurring Parties will include the Blackfeet Nation of the Blackfeet Indian Reservation of Montana, the U.S. Bureau of Indian Affairs, and the U.S. Army Corps of Engineers.

You may ask questions related to the Plan-EIS to Paul Smidansky at [Paul.Smidansky@usda.gov](mailto:Paul.Smidansky@usda.gov) or (406) 587-6827, and those pertaining to Section 106 compliance to Andrew Williamson at [Andrew.Williamson@usda.gov](mailto:Andrew.Williamson@usda.gov) or (406) 587-6968.

Sincerely,

**Gayle N. Barry**  
*State Conservationist,*  
*NRCS Montana*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana

Joel Lalibery, Acting State Resource Conservationist, Bozeman, Montana Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana

**Montana State Office**

10 East Babcock Street, Room 443  
Bozeman, Montana 59715  
(406) 587-6811

January 27, 2026

Jennifer R. Winter, MA, RPA  
Regulatory Archaeologist, U.S. Army Corps of Engineers  
Omaha District, South Dakota Regulatory Office  
28563 Powerhouse Road  
Pierre, South Dakota 57501

Subject: Programmatic Agreement for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Ms. Winter,

NRCS Montana is providing you with the enclosed draft of a Programmatic Agreement (PA) for review and input in accordance with 36 CFR 800. Distribution of this document follows up on Section 106 consultation for the Draft Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River and Saint Mary Watersheds from September 10, 2025, wherein use of a PA was proposed. An electronic copy of this document has been submitted separately through email correspondence.

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The U.S. Army Corps of Engineers will participate in the development of this agreement as a Concurring Party. The Required Signatories will include NRCS Montana and the Blackfeet Tribal Historic Preservation Officer. Invited Signatories will include the U.S. Bureau of Reclamation and the Milk River Joint Board of Control. Other Concurring Parties will include the Blackfeet Nation of the Blackfeet Indian Reservation of Montana and the U.S. Bureau of Indian Affairs.

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Sincerely,

**Gayle N. Barry**  
*State Conservationist,*  
*NRCS Montana*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana

Joel Lalibery, Acting State Resource Conservationist, Bozeman, Montana

Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana

**Montana State Office**

10 East Babcock Street, Room 443  
Bozeman, Montana 59715  
(406) 587-6811

January 27, 2026

Melissa Passes, Supervisory Environmental Protection Specialist  
Branch of Environmental Planning and Cultural Resource Management  
U.S. Bureau of Indian Affairs, Rocky Mountain Region Office  
2021 Fourth Avenue North  
Billings, Montana 59101

Subject: Programmatic Agreement for Section 106 compliance on the Draft Watershed Plan-Environmental Impact Statement for the Milk River and Saint Mary Watersheds (NRCS Project No. NR220325XXXXC001), Glacier County, Montana

Dear Ms. Passes,

NRCS Montana is providing you with the enclosed draft of a Programmatic Agreement (PA) for review and input in accordance with 36 CFR 800. Distribution of this document follows up on Section 106 consultation for the Draft Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Milk River and Saint Mary Watersheds from September 10, 2025, wherein use of a PA was proposed. An electronic copy of this document has been submitted separately through email correspondence.

As indicated previously, project Alternatives for the Milk River and Saint Mary Watersheds Plan-EIS are still in development and design work is estimated at 10%. In accordance with 36 CFR 800.4(b)(2), NRCS Montana has developed the enclosed PA and has sought to defer final identification and evaluation of historic properties until Project Alternatives are refined and design work is sufficiently complete. This PA will establish the process for the resolution of adverse effects and will outline the process for further identification and treatment of historic properties.

The U.S. Bureau of Indian Affairs will participate in the development of this agreement as a Concurring Party. The Required Signatories will include NRCS Montana and the Blackfeet Tribal Historic Preservation Officer. Invited Signatories will include the U.S. Bureau of Reclamation and the Milk River Joint Board of Control. Other Concurring Parties will include the Blackfeet Nation of the Blackfeet Indian Reservation of Montana and the U.S. Army Corps of Engineers.

You may ask questions related to the Plan-EIS to Paul Smidansky at [Paul.Smidansky@usda.gov](mailto:Paul.Smidansky@usda.gov) or (406) 587-6827, and those pertaining to Section 106 compliance to Andrew Williamson at [Andrew.Williamson@usda.gov](mailto:Andrew.Williamson@usda.gov) or (406) 587-6968.

Sincerely,

**Gayle N. Barry**  
*State Conservationist,*  
*NRCS Montana*

cc:

Paul Smidansky, Acting State Conservation Engineer, NRCS, Bozeman, Montana

Joel Lalibery, Acting State Resource Conservationist, Bozeman, Montana

Andrew Williamson, Archaeologist, Cultural Resources Specialist, NRCS, Bozeman, Montana