Otter Island Fisheries Conservation Area Acquisition
Draft Environmental Assessment

September 2013

Montana Fish, Wildlife & Parks

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1.0 PURPOSE OF AND NEED FOR ACTION

1.1 Proposed Action

Montana Fish, Wildlife & Parks (MFWP) proposes to acquire 147 acres along the Flathead River, 1.5 miles south of downtown Kalispell. The property would be donated to MFWP by the Confederated Salish and Kootenai Tribes (CSKT). The property, currently referred to as the Lincoln property in reference to a former owner, would be named the Otter Island Fisheries Conservation Area (OIFCA) and managed by MFWP for open space habitat and dispersed public recreation.

This transfer of ownership is a result of negotiations that occurred on a previous land transaction involving CSKT and Bonneville Power Administration (BPA). In January 2011, CSKT Fisheries Program used Bonneville Power Administration (BPA) funding to acquire the 147-acre property along the Flathead River mainstem as partial mitigation for fisheries habitat lost due to the construction of Hungry Horse Dam. BPA retained a conservation easement on the property to ensure the permanent protection of the site's fish and wildlife habitat and other ecosystem components and functions.

The purpose of the proposed acquisition is to continue the protection of riparian and wetlands along 0.65 miles of the Flathead River mainstem, 0.61 miles of active side channel, and part of a historical river channel that is now a small spring creek for the benefit of fisheries and wildlife species.

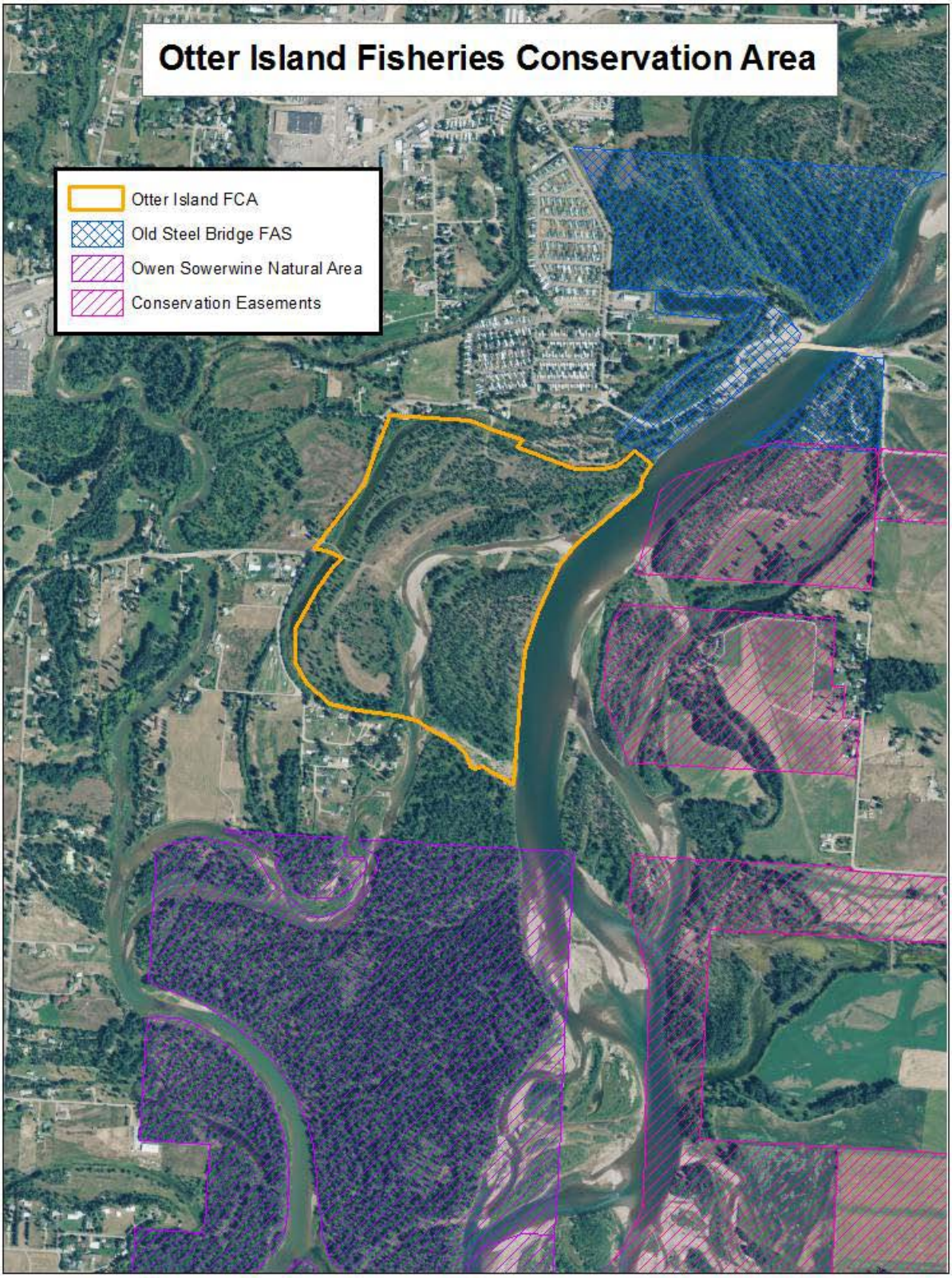
1.2 Objectives of Proposed Action

- Protect and enhance riparian/wetland habitats that support associated fish and wildlife populations.
- Provide opportunity and access for public hunting, fishing, wildlife viewing, hiking, and other public recreational uses, as long as those activities are consistent with resource protection.

1.3 Location

The 147-acre OIFCA is located along the banks of the Flathead River mainstem just south of the MFWP Old Steel Bridge Fishing Access Site (FAS), about 1.5 miles from downtown Kalispell, Montana. The property consists of a surveyed tract (Certificate of Survey 19077) located in the N½ & SE¼ of Section 9 and in the NW¼ of Section 10, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

Figures 1 and 2. Location and Property Maps of the Proposed
Otter Island Fisheries Conservation Area


Otter Island Fisheries Conservation Area
Otter Island FCA
Old Steel Bridge FAS
Owen Sowerwine Natural Area
Conservation Easements

1.4 Authority

MFWP has the authority to purchase lands (Section 87-1-209, Montana Code Annotated) that are suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation.

1.5 Relevant Plans and Overlapping Jurisdictions

2005 FWP Comprehensive Fish & Wildlife Management Strategy: The Otter Island property falls within a Tier One Focus Area (Flathead River Valley), which is one of the state's geographic areas of "Greatest Conservation Need" according to Montana's 2005 Comprehensive Fish & Wildlife Conservation Strategy (CFWCS). The proposed land acquisition contains one of the three habitat types identified by the Comprehensive Strategy for the Flathead River Valley Terrestrial Focus Area - Riparian/Wetlands. http://fwp.mt.gov/fishAndWildlife/conservationInAction/fullplan.html

Of the 344 terrestrial vertebrate species found within the Flathead River Valley Focus Area, 16 are designated Tier I species (Greatest Conservation Need). The Otter Island property currently supports, or has the potential to support, 6 Tier I wildlife species as identified in the CFWCS. Those species are western toad, northern leopard frog, bald eagle, black-backed woodpecker, olive-sided flycatcher, Townsend's big-eared bat, and the occasional grizzly bear.

2007 Flathead County Growth Plan: The Growth Policy is a comprehensive planning document that provides guidance to all other plans and regulations administered by the county. It applies to all of Flathead County, excepting the incorporated cities of Kalispell, Whitefish, and Columbia Falls, and their respective inter-local agreement areas.
http://www.flathead.mt.gov/planning_zoning/growthpolicy2012.php

Goals identified in the Growth Plan that are assisted by this project are:

1) Land Uses
    a. G.9: Open Space Preservation.
    b. G.11: Protection of scenic resources available to both residents and visitors
2) Natural Resources.
    a. G.35: Protect and preserve water resources within the Flathead watershed for the benefit of current residents and future generations.
    b. G.36: Protect water quality in lakes, rivers, aquifers, and streams from existing and potential pollution sources.
    c. G.38: Preserve and protect floodplains to ensure the safety of residents flood hazards and to prevent the degradation of water quality and wildlife habitat.
    d. G.39: Preserve and protect wetlands and riparian areas to prevent the degradation of natural resources, including and not limited to water quality and critical wildlife habitat.
    e. G.40: Protect sensitive areas over shallow aquifers.
    f. G.41: Promote the preservation of critical fish and wildlife habitat and preserve the area's unique outdoor amenities and quality of life.

2010 Montana Bald Eagle Management Guidelines - An Addendum to the 1994 Montana Bald Eagle Management Plan: Bald eagles are known to nest near the target property (two nests are less than 2 miles away) and could potentially nest on OIFCA. The Management Guidelines were prepared in cooperation with the Montana Bald Eagle Working Group to provide recommendations for protecting

bald eagle habitat and reducing the risk of potential violations of the federal Bald and Golden Eagle Protection Act. http://fwp.mt.gov/fwpDoc.html?id=44181

Bonneville Power Authority (BPA): BPA is committed to mitigating impacts of the federal hydropower system on fish, wildlife, and habitat. As a result, the BPA Integrated Fish and Wildlife Program funds projects to make dams safer for fish, restore damaged habitat, and protect threatened lands in the Columbia River Basin. Requirements of using BPA grant funds include: acknowledgement of BPA funding added to the conservation easement document, access to the property to assure compliance with the terms of the conservation easement, and right to acquire right-of-way easements for the transmission of electrical power in locations that will not impair the conservation values.

As described in the existing conservation easement (CE) attached to the property, BPA retains the right to (1) access and inspect the property, (2) prevent any activity that is inconsistent with the CE and require restoration of areas damages by inconsistent activities, and (3) be able to construct, operate, and maintain any future transmission facilities within the easement area.

Prohibitions and permitted uses described in the easement are:

- Prohibitions:
  - All residential, commercial, or industrial uses of the Protected Property (including, but not limited to timber harvest, grazing, and agricultural production uses);
  - Erecting of any building, facility, billboard, or sign;
  - Depositing of soil, trash, ashes, garbage, waste, bio-solids, or any other material except as allowed under applicable federal, state, and local laws;
  - Excavating, dredging or removing of loam, gravel, soil, rock, minerals, sand, hydrocarbons, or other materials;
  - Otherwise altering the general topography of the Protected Property, including but not limited to building of roads and flood control work;
  - Draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices.
- Permitted uses:
  - Provide reasonable public access.
  - The right of the Confederated Salish and Kootenai Tribal members to conduct traditional usufructuary and spiritual uses including hunting, fishing, and gathering in accordance with applicable law.

1.6 Decision to be Made

The decision to be made is whether MFWP ***should move forward on accepting the donation of the 147-acre Otter Island property near Kalispell, Montana, from the Confederated Salish and Kootenai Tribes.*** Following completion of the draft EA and public comment period, the MFWP Region One Supervisor would issue a decision notice that makes a recommendation to the MFWP Commission on a course of action. This course of action could be either the Proposed Action or the No Action Alternative or an action that is within the scope of the analyzed alternatives**.**

As with other MFWP land acquisition projects that involve more than 100 acres or $100,000 in value, the State Board of Land Commissioners must give final approval to the property acquisition. This draft environmental assessment (EA) and the comments MFWP receives are part of the decision-making process**.**

2.0 ALTERNATIVES

2.1 Alternative A: Proposed Action - Accept the Donation of the Otter Island Property

MFWP would accept the donation the Otter Island FCA property and manage the property for the protection of its riparian and wetland areas for the benefit of associated fish and wildlife species.

As a requirement of assuming the property that was originally purchased by BPA funds, MFWP is required to prepare a management plan to describe objectives and actions that would be implemented to protect and mitigate harm to resident fish and wildlife habitat. MFWP's draft Otter Island FCA Management Plan is attached as Appendix A. Management objectives identified in the draft management plan include:

A. Improve the river and side channel riparian habitat by encouraging native plant regeneration and establishment.
B. Improve upland habitat by restoring native tree and shrub communities to provide better native wildlife habitat.
C. Protect established riparian cottonwood trees from further damage from beaver activity.
D. Minimize the presence of noxious weed species.
E. Allow public access and uses that are consistent with the purpose of this acquisition.
F. Maintain administrative access to the property.
G. Remove items from the old dump site, unneeded fencing, and the vagrant shelter.

Dispersed recreation, such as fishing, bird watching, and hiking, would be allowed as long as those activities do not negatively impact the naturally self-sustaining vegetation and fish and wildlife benefits.

Access would be maintained as walk-in only, with parking available at the adjacent Old Steel Bridge FAS and then following the path through the property boundary fence via an existing pedestrian pass-through. The property would be patrolled by MFWP wardens and local agency staff to assure that no harm is occurring to the property's conservation values through authorized or unauthorized recreational use.

In the future, MFWP would develop and maintain a trail system to provide walk-in access to the property, which may include removal of some trail segments that are contributing to bank erosion and instability. Additionally, MFWP may improve the Conrad Drive administrative access, which is hazardous and prone to seasonal flooding, by replacing the existing culvert with a small bridge to span the flood area.

The following public use rules and regulations would apply to this property. Rules and regulation signs would be posted at the pedestrian access area and other places along the property boundary as necessary. FWP retains the right to change use rules and regulations, through appropriate administrative procedures, as conditions dictate, provided that site uses must remain consistent with the terms of the BPA conservation easement.

- For garbage, "Pack it in/Pack It Out" rules apply. No trace or low impact day use is encouraged.
- No campfires or fires of any kind are allowed except as may be needed for natural resource management purposes conducted by MFWP.

- No overnight camping.
- No motorized vehicles, bicycles, horses, or other livestock will be allowed on the property except for administrative or management purposes.
- No commercial use without a permit.
- Public trapping is limited to water sets only, as defined in the Montana Trapping and Hunting Regulations.
- Open to discharge of weapons including archery, shotgun, muzzleloaders, and traditional handguns during designated hunting seasons only during legal hunting hours . Recreational shooting and hunting of nongame animals such as ground squirrels will be prohibited (ARM 12.8.202). No permanent tree stands or ground blinds are allowed. Temporary tree stands or ground blinds may be placed for up to 48 hours. No screw-in tree steps may be used to access tree stands, only strap-on steps or climbing-stick-type climbing aids.
- Dogs must be on a leash at all times, except for when hunting upland game or waterfowl during established seasons.
- The discharge of paintball guns, trap and target shooting, plinking, and similar activities are prohibited.

Under MFWP management, consistent with the terms of the BPA conservation easement and as described in the draft management plan, prohibited land uses would include:

- Altering of grassland, woodland, wildlife habitat, or other natural features by burning digging, plowing, disking, haying, moving, cutting, or otherwise destroying the vegetative cover;
- Dumping refuse, wastes, sewage, or other debris;
- Harvesting wood products;
- Draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices;
- Diverting or causing or permitting the diversion of surface water into, or out of, the easement area surface by any means;
- Building or placing buildings or structures;
- Planting or harvesting any crop;
- Grazing or allowing livestock on the easement area;
- Mining, excavation, dredging, or removal of soil, sand, gravel, rock, minerals, or other surface or subsurface materials; and
- Activities detrimental to conservation of the following: fish and wildlife habitat, flood control, erosion control, water quality protection and enhancement, traditional cultural materials production, aesthetics, and low impact recreation.

All maintenance costs for the property would be paid by BPA mitigation program funds. MFWP anticipates the maintenance costs for the property for years 1-3 would be about $13,000, with the majority of these funds dedicated to noxious weed management. The ongoing cost of weed management is expected to decrease once the weed infestations are aggressively treated in a consistent manner. A cost has yet to be determined for the improvements necessary to maintain administrative access to the property since the current roadway is deteriorating. MFWP plans to fully examine this situation and potential solutions if this acquisition is approved. The cost to repair the access road is estimated at $10,000 - $30,000, based on preliminary investigations.

2.2 Alternative B: No Action - the Property Would Remain Under CSKT Ownership

Under the No Action Alternative, MFWP would not accept the donation of the 147-acre Otter Island FCA. The terms of the previously described BPA Conservation Easement would remain in effect to ensure the protection of the property's fish and wildlife habitat values. CSKT would continue to be responsible for the management and oversight of the property.

Management of public access to the property and permitted activities would remain under the control of CSKT. At present, public access is allowed (see Section 3.4 below).

2.3 Other Alternatives

No other alternatives are available for consideration, since no other properties were discussed by BPA and CSKT.

3.0 AFFECTED ENVIRONMENT

3.1 Habitat

The property is mostly dominated by black cottonwood riparian/wetland habitat types as defined by Hansen et al. (1995). On slightly higher sites, the cottonwood stands grade into Douglas fir/red-osier dogwood habitat types, and in wetter areas they grade into spruce/red osier dogwood habitat types. Three major black cottonwood forest types occur on the property: cottonwood/snowberry, cottonwood/red-osier dogwood, and cottonwood/alluvial bar. There are little or no uplands within the project area.

The US Fish and Wildlife Service's National Wetlands Inventory database categorizes the property as 78% riparian (herbaceous and forested/shrub) and 17% wetlands (freshwater emergent, freshwater forested/shrub, and riverine). The remaining areas within the property are classified as ponds.

The Otter Island FCA consists of two distinct areas that differ in their history and current condition. The most eastern portion is an island, approximately 70 acres, bounded by the mainstem Flathead River to the east and an active secondary channel to the north and west. It is bounded by a smaller secondary channel to the south. The natural vegetation of the eastern island inside the active channel is in much better condition than the vegetation west of the side channel. The impact of grazing, pasture conversion, and logging have reduced native composition on about half the property that is west of the active side channel. Access to this part of the property is only by foot across the shallow areas of the secondary channel. During high spring river flows the island area is only accessible by boat.

The area located closest to Conrad Drive between the spring creek and the secondary channel has had more intense land management activities in the past than the island. This area of the property currently has stands of cottonwood forest, two converted pastures, a power line right of way, a two-track road, trails, and a historic dumping area. There are several areas of totally cleared forest that have been cultivated and converted to tame pasture grasses, one area that was used in the past for dumping wood and other wastes that has been mostly cleaned up, and there are several two-track roads and walking trails. This area can be accessed directly off of Conrad Drive across an old low water crossing over the spring creek.

Beaver are currently impacting cottonwood trees along the Flathead River bank. Over the years they have removed most mature cottonwood trees within 100 feet of the river bank (Fig. 3). The bank is actively eroding due to natural processes exacerbated by beaver activity and foot paths. Other human uses (logging and grazing) have also reduced or eliminated native riparian vegetation along portions of the banks of both the active river side channel and the spring creek.

Figure 3. Beaver activity in a cottonwood grove
along the mainstem of the Flathead River.

All of the property has infestations of Canada thistle, spotted knapweed, common burdock, leafy spurge, and oxeye daisy. Most of the grasses consist of cheat grass, smooth brome, Kentucky blue grass, reed canary grass, and other nonnative plants (See Table 1 in the Draft Management Plan for a complete list of vegetation).

The Otter Island property is mainly surrounded on three sides (north, south, and west) by residential and agricultural developments, with some natural, unimproved areas intermixed.

A Phase I hazardous materials site assessment was completed in 2010 by BPA. The assessment did not reveal any environmental factors, such as hazardous materials or petroleum contamination, at the site.

3.2 Terrestrial Species

The Flathead River supports a diverse number of species, including birds, large and small mammals, reptiles, amphibians, and fishes, many of which are expected to be present or use the Otter Island FCA property.

Migratory waterfowl make use of the river for forage, cover, breeding, and resting areas. Common breeding waterfowl on the river include Canada geese, mallards, common goldeneyes, common mergansers, and wood ducks. Other water-related birds that use the river system along or on this property include great blue herons, osprey, bald eagles, and trumpeter swans. All of these species except osprey are considered state species of special concern. Common birds of the uplands and riparian areas include red-tailed hawk, harrier, ring-necked pheasant, Hungarian partridge, eastern and Merriam's turkey, and western bluebird. There are also a variety of other bird species including pileated

woodpecker, brown creeper, olive-sided flycatcher, and veery, all species of special concern in Montana, and bald eagle, a priority conservation species in Montana.

Wildlife in the upland areas include white-tailed deer, coyotes, raccoons, skunks, fox, and an occasional black bear and grizzly bear, bobcat, mountain lion, moose, and elk that may move through the area. Grizzly bears (listed as threatened under the federal Endangered Species Act) have moved into the river corridor from nearby mountains during summer and fall to forage on chokecherry and hawthorn berries. Populations of semi-aquatic furbearers including beaver, muskrat, mink, and river otter use the river's riparian areas as well. There are also several bat species associated with the riparian corridor along the Flathead River, including Townsend's big-eared bats and hoary bats, two more species of special concern.

The small spring creek is likely to support western garter snakes, rubber boas, western toads, Columbia spotted frogs, Pacific treefrogs, and painted turtles. The western toad is a species of special concern.

3.3 Fisheries Species and Water Resources

The mainstem of the Flathead River in the immediate area of the Otter Island FCA is characteristic of many developed western Montana watersheds. The river has been influenced by land management activities such as irrigation, agriculture, development of transportation corridors, and the construction of hydropower facilities. The introduction of nonnative species has also greatly altered the ecology of the river (CSKT and MFWP 2004).

The current fish assemblage is the result of these habitat alterations and fish introductions against a backdrop of indigenous species. The Flathead River in this reach supports both resident and migratory salmonid populations. Historically, the only salmonids in the river were mountain whitefish , pygmy whitefish, bull trout, and westslope cutthroat trout. Introduced salmonids that now occupy this section of the Flathead River include rainbow trout, brook trout, lake trout, and lake whitefish. The introduced rainbow trout have hybridized with the native westslope cutthroat trout resulting in self-sustaining hybrid populations. Illegally introduced northern pike along with some other warmwater species are found in nearby sloughs. Other native fish found in the immediate area include peamouth, longnose suckers, largescale suckers, Columbia slimy sculpins (and possibly shorthead sculpins), northern pikeminnow, and redside shiners.

The property contains a total of 0.65 miles of the Flathead River mainstem and another 0.61 miles of active side channel. The property also includes part of a historical river channel that is now a small spring creek. All but 13 acres along the outside of the active river channel fall within the Flathead River floodplain.

The Flathead River is an extremely popular destination for fishermen because of its abundant fisheries, scenic beauty, and close proximity to the City of Kalispell. The section of the river within Flathead County is the second most popular body of water in the county, second only to Flathead Lake. Between March 2011 and February 2012, this section of the river had a total angling pressure of over 31,300 angler-days.

The Flathead River is characterized by highly erosive banks, and the side channel of the FCA experiences lateral channel movement. The predominant soil type (approximately 90%) at the target property is loamy fine sand with small areas of Chamokane soils also present (NRCS 2013). Factors contributing to the erosion are: 1) the type of soil present, 2) the gradient change of the Flathead River,

3) flow fluctuations caused by the operation of Hungry Horse Dam, 4) unnaturally high river levels just downstream caused by the operation of Kerr Dam, and 5) the loss of riparian vegetation due to beaver activities and current and past human influences on the property (i.e., cattle grazing, farming, establishment of trails on the banks, etc.).

There are two water rights located on this property for irrigation pumps that were retained by the property's original owner for use on their property to the west. These rights would not be transferred to MFWP.

3.4 Recreation Opportunities

Currently the property is open to the general public for fishing, bird watching and hiking, but hunting and trapping is prohibited. Additionally, tribal members are permitted to conduct traditional usufructuary and spiritual uses including hunting, fishing, and gathering in accordance with applicable law per the terms of the BPA conservation easement.

Prior to tribal ownership, the original landowner allowed public access to the property for fishing, archery hunting, and wildlife photography. The property is located directly to the south of the Old Steel Bridge FAS, and that landowner, in conjunction with MFWP, created a pedestrian pass-through along the boundary fence to facilitate fishing access. As a result of historic and current permitted public uses, there now exists an established network of several small trails along the river bank that connect to various other points on the property.

3.5 Public Access

Pedestrian access into the property is located where the FCA abuts the Old Steel Bridge FAS to the north. This access allows people and animals to pass between the two properties, but does not allow motorized vehicles (Fig. 4). There is no motorized vehicle access into the interior of the property.

Figure 4. The pedestrian pass through between the Otter Island FCA and the MFWP FAS.

Administrative access into the interior of the property is from Conrad Drive. This access route crosses a causeway across the small spring creek. The causeway is above the water most of the year, but often is flooded in the spring when the Flathead River level rises. The surface of the causeway is currently in poor condition, and the culvert it passes over is failing.

Figure 5. Large potholes forming in the causeway across the old Flathead River channel that connects the property to Conrad Drive.

3.6 Buildings and Other Improvements

The Otter Island FCA is part of a historical homestead founded at the turn of the 20th century. It was owned by the Lincoln family for nearly 100 years. The original property included land on both sides of Conrad Drive, which is on the western boundary of the target property. The area to the west of Conrad Drive (about 40 acres) contains the original home site along with crop and pasture lands and a portion of the Stillwater River. These lands to the west of Conrad Drive are no longer associated with the Otter Island property.

The Otter Island property contains no buildings of any kind. There is a small clearing on the property where some building materials and other appliances have been dumped. The only “structure” on the property was created by trespassers on the property and consists of branches and limbs stacked around a group of trees to create a makeshift shelter. This shelter is located on the island portion of the property and shows evidence of use and human habitation in the recent past. This was trespass (nonauthorized) use, and no one is living in the shelter now.

There is some fencing on the western and southern boundaries of the property. In addition to a metal cable across the administrative access point, there is a metal gate separating the property from an adjacent private parcel on the north side. MFWP plans to maintain or replace existing boundary fences as needed in order to exclude neighboring livestock and limit unauthorized motorized vehicle access to the property.

4.0 PREDICTED ENVIRONMENTAL CONSEQUENCES

4.1 Physical Environment

4.1.1 Land Resources

Proposed Action: No impacts to land resources would occur if the donation of the property to MFWP is accepted. MFWP's management plans for the property only include very limited soil-disturbing activities, such as for the stabilization of the administrative access route. Per the terms of the existing conservation easement, disturbances to land resources are prohibited (i.e., excavation, mining, etc.) because such activities would diminish wildlife habitat values.

Erosion caused by changes in river levels that is taking place along the banks of the Flathead River and side channel would be allowed to continue since they are naturally occurring processes. However, MFWP would attempt to slow this process by protecting existing cottonwood trees from beaver and riparian areas from human activities because healthy vegetative cover has been documented to stabilize soils prone to erosion. Restoration of native tree and shrub communities by encouraging spread of existing plants or establishment of new plants would also help to slow natural erosive processes.

No Action: The status quo would be maintained and no changes would occur to soils if CSKT retained ownership of the property. Natural erosion processes, taking place along the shorelines of the property in side channel and mainstem of the Flathead River, would continue if CSKT implements no active measures to limit the existing rates of erosion. It is possible CSKT may repair or improved the existing administrative access route in the future or take other actions that would have positive impacts on the land resources; however MFWP is not aware of the CSKT's plans for the road at this time. The existing conservation easement prohibits actions that would degrade land resources.

4.1.2 Air Quality

Proposed Action: No impacts are expected to occur to air resources since the project would not contribute particular matter into the air, thus ambient air quality would not change.

No Action: No change would occur to the ambient air quality if CSKT retained ownership.

4.1.3 Water Resources

Proposed Action: Water resources associate with the Otter Island property, including its ponds and the side channel of the Flathead River, would not be impacted if MFWP accepted the property's donation from CSKT. Over time the water quality may be improved by MFWP's proposed riparian vegetation restoration activities that may decrease the sloughing of banks into the side channel and mainstem of the river, which can contribute sediments to river.

No Action: No change would occur to existing water resources if CSKT retained ownership unless CSKT implements active measures to improve water resources. The existing conservation easement prohibits actions that would degrade water resources.

4.1.4 Vegetation

Proposed Action: If the donation were approved, MFWP would implement a variety of prescriptive and restorative strategies to control noxious weed infestations and improve the vigor of the cottonwood

groves and riparian vegetation. The overall quality and quantity of wildlife habitat at the site is expected to improve as the strategies are initiated as described below.

In areas where plant communities have been degraded by past management actions and mature native plants already exist, MFWP would encourage natural regeneration of riparian vegetation, which may include fencing areas short term to protect plants from deer, vole, beaver, or other herbivore damage. In denuded areas, MFWP would plant native riparian trees and shrubs to restore native plant communities. Some site preparation may be necessary prior to planting an area. This may include mowing, tilling, weed matting, herbicide application, and/or selective burning. The plantings may be fenced to protect them from deer and beaver damage as needed. Some watering and weed control would be necessary over time within these planted areas. All restoration treatments would be monitored yearly for overall effectiveness and treatments adjusted to improve overall effectiveness.

There may be a need in the future for more extensive bank stabilization and riparian restoration work beyond that described above, but such actions would not be conducted without additional environmental analysis and public review.

MFWP would complete a weed inventory and develop a weed management plan in cooperation with Flathead County if the acquisition were approved. Weeds would be managed under the guidance of a weed management plan approved by the County Weed Control District. Coordination of weed management at the site would also be coordinated with weed management efforts on MFWP's Old Steel Bridge FAS. The weed management plan would include the use of multiple types of methods, such as chemical, mechanical, hand pulling, and biological control. As a result of these measures, the quantity and quality of native vegetation on the property is expected to improve over time. Control of knapweed and leafy spurge will be the primary focus for the first several years, but all weeds will be treated as funding and time allows.

The management goal for this property is to protect and enhance naturally self-sustaining native habitat or native-like habitat that supports indigenous resident fish and wildlife species, so no special vegetative treatments are planned to reduce fuel loads on the property. Riparian forests are less prone to fire than are native upland forests, so the fire risk on this property is naturally low. However, MFWP would limit fire risk by managing public access when extreme fuel or weather conditions warrant or through other measures necessary to comply with the Good Neighbor Policy (MCA 23-1-126) as allowed under the terms of the conservation easement.

No Action: If tribal ownership is maintained, the property would be kept in a natural state. Existing vegetation, native and nonnative, would continue to exist and may be enhanced based on potential future management actions. Noxious weed control would be continued by CSKT subject to existing state law. Changes to the existing shrub and forested areas by beavers would likely continue unless actions were taken to reduce damage.

4.1.5 Fish and Wildlife Resources

Proposed Action: If MFWP were to accept the donation of this property, it would be for the benefit of its fisheries and wildlife species per the purpose of the conservation easement and the overall mission of MFWP. In the short term, fish and wildlife resources would not change, since the property would maintain in its current 'natural' state until the prescriptive and restorative strategies to control noxious weed infestations and improve the vigor of the cottonwood groves and riparian vegetation were implemented (see Appendix A, Management Plan). Once those strategies are initiated, it is expected

habitat values would increase for the benefit of wildlife species. Fisheries species would also benefit because healthy riparian vegetation would improve shoreline stability and trap sediments, provide shade for cooling water temperatures, and woody debris for shelter.

Continuing the current management practice of permitting only walk-in activities would limit disturbances to wildlife and continue to provide wildlife with an area to find refuge, shelter, and to allow movement between other nearby wooded areas.

Hunting of deer and waterfowl during legal seasons would be one of the allowable activities within the property, so some seasonal disturbances to wildlife is expected, but it will be carefully managed to balance wildlife management goals with public recreational opportunities and public safety. It is also an important tool to help us manage populations and limit over-browsing on areas where we are trying to promote vegetative growth.

No Action: No changes are anticipated to wildlife or fisheries species if the property remains in tribal ownership. The terms of the BPA conservation would remain in effect that prevents any use of the property that would harm or interfere with protection of the site's conservation values, which includes habitat necessary to support those species, such as native riparian and upland vegetation.

The property would remain closed to hunting and trapping for the general public, allowing the property to stay a sanctuary for ungulates and other game species.

4.2 Human Environment

4.2.1 Noise and Utilities

Proposed Action: The proposed acquisition would likely result in more people visiting the property over time since it is close to the city of Kalispell and adjacent to a popular fishing access site, and public hunting would again be allowed on the property. Hunting has been allowed on the property in the past, so a seasonal increase in noise level would not be a new occurrence in the area. Effects of general public noise and noise from hunting activities to adjoining private landowners is expected to be minimal; yet, if concerns arise, MFWP would evaluate the potential for changing hunting and recreational opportunities on the property in order to mitigate landowner concerns.

Although there are no power lines transecting the property, as described in the BPA conservation easement, BPA retained the right to be able to construct, locate, operate, maintain, and access future transmission facilities. If or when this clause may be enacted is unknown at this time.

No Action: There would be no change to noise levels or existing utilities within the property boundaries if tribal ownership remained. Identical to the proposed action, the terms of the conservation easement permits BPA to construct, locate, operate, maintain, and access future transmission facilities within the property.

4.2.2 Land Use

Proposed Action: Land uses would change very little because the property is subject to the terms of a conservation easement, regardless of who owns the property. Uses such as hiking, bank fishing, and other nonmotorized recreational activities would continue. MFWP would again allow hunting on the property during legal seasons, a use that is currently not occurring.

MFWP would initiate components of the Otter Island Management Plan to remove garbage and debris from past actions within the property. The dismantling and removal of the primitive shelter would also be completed. The removal of debris and the shelter would increase the habitat values for wildlife.

Public walk-in access would be maintained and MFWP would assess the locations of the site's trail system to determine if some trail could be reclaimed. The primary walk-in access point into the property would be via the Old Steel Bridge FAS.

Administrative access would currently be maintained from Conrad Drive. This access route is in need of repair if it is to be used. MFWP plans to assess the condition of this area and consult with MFWP engineering staff to determine possible solutions so that this access route can be used year-round.

No Action: No changes to current land uses are expected occur if the donation does not happen and the property remains in tribal ownership since the terms of the existing conservation easement prohibits many alternative uses.

4.2.3 Risk and Health Hazards

Proposed Action: No increases in health or public safety risks are expected if MFWP accepted the donation of the Otter Island property from CSKT.

Under MFWP management, pesticides could be used to reduce and control noxious weeds on the property, as per the Region One Weed Management Plan and with the approval of the County Weed District. Trained, licensed professionals would conduct any weed treatment and storage/use of chemicals in accordance with proper operating procedures and label instructions to minimize potential unintended consequences to wildlife, vegetation, and visitors to the property.

Inherent risks are associated with hunting and recreational activities. MFWP would monitor the area for any increase in hazards and provide educational materials and law enforcement patrols to promote safe and responsible use of the property. Management of new or increasing hazards could be managed by MFWP through changes of allowable uses within the property and additional patrols by MFWP wardens and working in cooperation with local law enforcement.

No Action: MFWP predicts there would be no changes to risk or health hazards if the property remained in tribal ownership.

4.2.4 Aesthetics and Recreation

Proposed Action: Current allowable nonmotorized activities, such as fishing and hiking, would continue to be permitted within the property. In addition to those activities, MFWP would also permit limited hunting (deer, upland game bird, and waterfowl), trapping only with water sets, and commercial uses by permit that are allowable by the terms of the conservation easement and do not have negative impacts on the site's existing resource values.

The new FCA would be open for only day-use and walk-in activities via the pedestrian gate between the property and the Old Steel Bridge FAS. MFWP would develop and maintain a trail system to provide walk-in access to the property, which may include removal in the future of some trail segments that are contributing to bank erosion and instability.

As is typical when MFWP acquires a new property, property boundaries would be marked with signs identifying it as a Fisheries Conservation Area, and MFWP rules and regulations would be posted at the pedestrian access area. Additional signs would be installed along the shorelines to prevent boat landings along fragile riverbanks or in newly planted, seeded, or revegetated areas.

MFWP would prohibit the following activities: overnight camping, horseback riding, biking, grazing, paintball games, and discharge of weapons except during legal hunting seasons. Fishing and other permitted activities may increase at the site as it becomes known to be under the same ownership as the adjacent FAS. In 2011, the Old Steel Bridge FAS had over 43,000 visitors. Since there is no dedicated parking area for the FCA, parking at the FAS may become more congested if the FCA becomes a popular destination.

The natural aesthetic values of the property would be maintained and likely enhanced as restorative vegetation strategies are implemented and the removal of debris is completed.

No Action: The existing recreational opportunities are likely to be available to the general public if the property remains in tribal ownership. Additionally, the overall aesthetic values are likely to be maintained as well.

4.2.5 Public Services, Taxes, and Community

Proposed Action: Donation and acceptance of the Otter Island property by MFWP would have no impact on public services, property taxes, or the community. Currently, there are no public services (sewer, garbage disposal, etc.) provided to the property and this situation would continue since no public facility improvements are planned.

There would be no changes in the amount of property taxes paid to Flathead County if the transfer of ownership between CSKT and MFWP transpired. MFWP is required to pay property taxes on department-owned land at the same rate it would be taxed if owned by a private citizen (87-1-603 MCA).

The donation of the Otter Island property to MFWP would not impact the City of Kalispell. The proposed acquisition would continue to support eight of the forty-nine goals set forth in the Flathead County Growth Plan that focus on preserving aesthetic values (i.e., open spaces and wildlife habitat) of the county for the benefit of residents and visitors, protecting water resources, protecting important fish and wildlife habitat, protecting wetlands and riparian areas, and preservation of the character of rural areas. The terms of the conservation easement ensures the property be retained in a natural state in perpetuity for the benefit of fish and wildlife species.

No Action: MFWP predicts there would be no changes to public services, taxes, or the Kalispell community if the property remains in tribal ownership. Identical to the proposed action, the natural state of the property would continue to support the goals of the County Growth Plan as previously described.

4.2.6 Cultural and Historic Resources

Proposed Action: No cultural or historic resources would be impacted if MFWP accepted the property from CSKT.

A file search completed by the State Historic Preservation Office SHPO and according to their records, there have been no previously recorded sites within the designated search locale. Because there are no structures, SHPO believes that there is a low likelihood cultural properties would be impacted.

If cultural or historical materials are inadvertently discovered within the property, MFWP would contact SHPO as required by 22-3-424 MCA. MFWP would also consult with SHPO if repairs to the administrative access road required soil-disturbing activities.

Per one of the terms of the BPA conservation easement, Confederated Salish and Kootenai Tribal members continue to retain the right to conduct traditional spiritual uses and gathering on the property including hunting, fishing, and gathering in accordance with applicable law.

No Action: No impacts to cultural or historic resources are anticipated if the property remains in tribal ownership.

4.3 Cumulative Effects

There would be little environmental change resulting from transfer of this property from CSKT to MFWP since the conservation easement establishes management priorities for habitat conservation/restoration and compatible public recreation. The donation of the Otter Island property to MFWP would contribute to the preservation and restoration of riparian and wetland areas along the Flathead River because we plan to implement active restoration efforts if we acquire this property. Currently there are several other restoration projects being implemented by MFWP and also private landowners along the river's corridor. Ongoing riparian and wetlands restoration efforts would have a positive beneficial impact on species that need those habitats for forage, shelter, and roosting, as well as those habitats benefiting fisheries species by helping to keep waters cool and providing material for shelter. Under continued CSKT ownership, active restoration may or may not occur, but environmentally harmful actions will not occur because such actions are prohibited by the permanent conservation easement held by BPA.

5.0 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based upon the data and analysis included in this document, MFWP has determined the donation of the 147-acre Otter Island property to MFWP from CSKT does not require the development of an Environmental Impact Statement (EIS). This environmental assessment revealed no significant (negative or positive) impacts from the proposed action and identified a very limited number of minor impacts from the proposed action. The significance criteria described in Administrative Rule 12.2.431 were used in this determination.

6.0 PUBLIC PARTICIPATION

6.1 Public Involvement

Public notification of the EA release and opportunities to comment will be by:

- Two legal notices in each of these papers: Helena's *Independent Record and* Kalispell's *Daily Inter Lake;*
- Direct mailing to adjacent landowners and interested parties; and

- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov* .

This EA will be available for public review at MFWP Region One headquarters in Kalispell, the Flathead County libraries in Bigfork and Kalispell, the Montana State Library in Helena, and on the MFWP web site (http://fwp.mt.gov).

This level of public notice and participation is appropriate for a project of this scope, having few limited physical and human impacts.

6.2 Comment Period

The public comment period will extend for thirty days beginning September 10, 2013. Written comments will be accepted until 5:00 p.m., October 9, 2013, and can be mailed to the address below:

Otter Island Fisheries Conservation Area Acquisition
Montana Fish, Wildlife & Parks
Region One Headquarters
490 N. Meridian Road
Kalispell, MT 59901

or email comments to: nivy@mt.gov.

6.3 Approximate Timeline of Events

Public Comment Period: mid-September through mid-October
Decision Notice Published: early November
Project Submitted to Commission: November or December 2013
Project Submitted to Montana Land Board: November or December 2013

6.4 Offices & Programs Contributing to the Document

Bonneville Power Administration, Portland, OR
Confederate Salish and Kootenai Tribes, Polson MT
Montana State Historic Preservation Office, Helena MT

7.0 EA PREPARERS

Rebecca Cooper, MFWP MEPA Coordinator, Helena MT
Kris Tempel, MFWP Resource Specialist, Kalispell MT

References

Confederated Salish and Kootenia Tribes and Montana Fish, Wildlife & Parks. 2004. Flathead Subbasin Plan: Part 1: Flathead River Subbasin Assessment. A report prepared for the Northwest Power and Conservation Council. Portland, OR.

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Appendix A

Otter Island Fisheries Conservation Area
Draft Management Plan

Prepared by:

Kris Tempel
Montana Fish, Wildlife & Parks
Region 1 – Fisheries Lands Conservation Program
490 North Meridian Road
Kalispell, MT 59901

May 24, 2013

Property Name: Otter Island Fisheries Conservation Area (FCA)
Acreage: 146.8
Stream Distance: 1.04 km (mainstem); 0.98 km (side channel)
Drainage: Flathead River
Original Acquisition Date: January 20, 2011 (by Confederated Salish and Kootenai Tribes)
Transfer Date to MFWP: _____, 2013
MFWP Contacts: Kris Tempel (406) 751-4573
Joel Tohtz (406) 751-4570

INTRODUCTION

A. Overview

In January 2011, the Confederated Salish and Kootenai Tribes (CSKT) Fisheries Program used Bonneville Power Administration (BPA) funding to acquire a 147-acre parcel along the Flathead River mainstem as partial mitigation for fisheries habitat lost due to the construction of Hungry Horse Dam. The property is encumbered by a conservation easement held by BPA to protect the conservation values for which the property was originally purchased, namely habitat for fish and wildlife species and other ecosystem components or functions important to fish and wildlife. CSKT is proposing to transfer their interest in this parcel to Montana Fish, Wildlife & Parks (MFWP). Once this occurs, MFWP will own and manage this property subject to the terms of the existing BPA conservation easement. The new name for this parcel will be the Otter Island Fisheries Conservation Area.

One requirement of BPA providing acquisition funding is that a management plan must be written which describes objectives and actions that will be implemented to protect and mitigate harm to resident fish and wildlife habitat. This management plan addresses how MFWP will manage this property in a way that is consistent with the conservation easement held by BPA.

B. Other Nearby Conservation

Otter Island Fisheries Conservation Area (FCA) is located along the Flathead River mainstem between the MFWP Old Steel Bridge Fishing Access Site (FAS) and the Department of Natural Resources (DNRC) Owen Sowerwine Natural Area. There are also several private conservation easement properties and other state lands located in this portion of the Flathead River (Attachment A, Fig. 1).

PROJECT DESCRIPTION

A. Legal Description and General Project Information

The legal description for the Otter Island FCA is as follows:
A TRACT LOCATED IN THE N½ & SE¼ SECTION 9 AND NW¼ SECTION 10, T28N, R21W, P.M.M. FLATHEAD COUNTY, MONTANA

B. Riverine Environment and Historical Uses

The 146.8-acre Otter Island FCA is located along the banks of the Flathead River mainstem just south of the MFWP Old Steel Bridge FAS, about 1.5 miles from downtown Kalispell, Montana (Attachment A, Fig. 1). The property contains a total of 1.04 stream kilometers (km) of the Flathead River mainstem and another 0.98 km of active side channel. The property also includes part of a historical river channel that is now a small spring creek. All but 13 acres along the outside of the active river channel fall within the Flathead River floodplain.

Otter Island FCA is located just above the Kerr dam inundation/influence zone on the Flathead River. Photographs of the property are included in Attachment A, Figures 3 through 11. The Otter Island FCA is part of a historical homestead founded at the turn of the 20th century. It was owned by the previous landowner's family for nearly 100 years. The original property included land on both sides of an existing roadway now known as Conrad Drive. The area to the west of Conrad Drive (about 40 acres) contains the original home site along with crop and pasture lands and a portion of the Stillwater River. These lands to the west of Conrad Drive are no longer associated with the Otter Island property.

The Otter Island FCA consists of two distinct areas that differ in their history and current condition. The most eastern portion is an island, approximately 70 acres, bounded by the mainstem Flathead River to the east and an active secondary channel to the north and west (Fig. 1). It is bounded by a smaller secondary channel to the south. This island has had the least impact from past land management activities. It appears that only some grazing occurred on the island in the past. Access to this part of the property is only by foot across the shallow areas of the secondary channel. During high spring river flows the island area is not accessible except by boat.

The area located closest to Conrad Drive between the spring creek and the secondary channel has had more intense land management activities in the past than the island. This portion of the property was partially logged in the mid-1990s and was actively grazed in the past. This area of the property currently has stands of cottonwood forest, two converted pastures, a power line right of way, a two-track road, trails, and a historic dumping area. It can be accessed directly off of Conrad Drive across an old low-water crossing over the spring creek. During spring runoff when the Flathead River water levels rise, the spring creek usually floods the crossing. The crossing is currently starting to sink in places due to the culverts beneath it failing and high water inundating the surface for long periods in the spring (Fig.15).

In recent years, the original landowner allowed public access to the property for fishing. The property is located directly to the south of the Old Steel Bridge FAS and the original landowner, in conjunction with MFWP, created a pedestrian pass-through along the boundary fence to facilitate fishing access (Fig. 5). As a result of permitted public uses and perhaps other historic activities by neighbors, there now exists an established network of several small trails along the river bank that connect to various other points on the property (Fig. 6).

In the past, the original landowner allowed the property to be used by archery hunters and professional photographers as well as for grazing. At this time, there is no grazing or any other leases on the property. There is a point of diversion for an irrigation water right of 1.78 cfs on the small spring creek. This water right is for use on the property across Conrad Drive (part of the property owned by the original landowner) and is not associated with Otter Island FCA.

C. Natural Vegetation and Riparian Zones

The property is mostly dominated by black cottonwood riparian/wetland habitat types as defined by Hansen et al. (1995). Three major black cottonwood forest types occur on the property: cottonwood/snowberry, cottonwood/red-osier dogwood, and cottonwood/alluvial bar. A list of common dominant species occurring on the property is included in Table 1. There are little or no uplands within the project area. There are several areas of totally cleared forest that have been cultivated and converted to tame pasture grasses, one area that was used in the past for dumping wood and other wastes that has been mostly cleaned up, and there are several two-track roads and walking trails.

The natural vegetation of the eastern island inside the active channel is in much better condition than the vegetation west of the side channel. The impact of grazing, pasture conversion, and logging have reduced native composition on about half the property that is west of the active side channel.

Beaver are currently having a significant impact along the Flathead River bank. Over the years they have removed most mature cottonwood trees within 100 feet of the river bank (Fig. 7). The bank is actively eroding due to natural processes exacerbated by beaver activity and foot paths. Other human uses (logging and grazing) have also reduced or eliminated native riparian vegetation along portions of the banks of both the active river side channel and the spring creek (Figs. 8, 9, and 10).

D. Noxious Weeds

All of the property has a significant noxious weed infestation of Canada thistle, spotted knapweed, common burdock, leafy spurge, and oxeye daisy. Most of the grasses consist of cheat grass, smooth brome, Kentucky blue grass, reed canary grass, and other nonnative plants (Table 1).

E. Fisheries Status

The mainstem of the Flathead River in the immediate area of the Otter Island FCA is characteristic of many developed western Montana watersheds. The river has been influenced by land management activities such as irrigation, agriculture, development of transportation corridors, and the construction of hydropower facilities. The introduction of nonnative species has also greatly altered the ecology of the river (CSKT and MFWP 2004). The current fish assemblage is the result of these habitat alterations and fish introductions. The Flathead River in this reach supports both resident and migratory salmonid populations. Historically, the only salmonids in the river were mountain whitefish, pygmy whitefish, bull trout, and westslope cutthroat trout. Introduced salmonids that now occupy this section of the Flathead River include rainbow trout, brook trout, lake trout, and lake whitefish. The introduced rainbow trout have hybridized with the native westslope cutthroat trout resulting in self-sustaining hybrid populations. Other native fish found in the immediate area include peamouth, longnose suckers, largescale suckers, Columbia slimy sculpins (and possibly shorthead sculpins), northern pikeminnow, and redside shiners. A list for this property of fish species and their scientific names is found in Table 2.

The Flathead River is characterized by highly erosive banks that are further compromised by removal of riparian vegetation and cattle grazing. The portion of the property along the Flathead River mainstem has mature cottonwood trees and has seen little to no grazing, yet it is actively eroding. The main threat to the riparian vegetation at this time is beaver activity. Beavers are cutting down an extremely high

number of trees, leaving the banks more susceptible to erosion (Fig. 7). The side channel has mature trees along some portions of the bank, but other areas have been farmed and grazed up to the banks. The banks of the side channel are actively eroding in areas with and without riparian vegetation (Figs. 8, 9, and 10). This area experiences lateral channel movement and areas of severe erosion caused by several factors: (1) highly erosive soils, (2) the gradient change of the Flathead River at this point, (3) flow fluctuations caused by the operation of Hungry Horse Dam, and (4) unnaturally high river levels just downstream caused by the operation of Kerr Dam.

F. Wildlife Status

In addition to important fisheries resources, the Flathead River supports significant populations of semi-aquatic furbearers including beaver, muskrat, mink, and river otter. The Flathead River also supports abundant migratory waterfowl during both spring and fall. Common breeding waterfowl on the river include Canada geese, mallards, common goldeneyes, common mergansers, and wood ducks. Other water-related birds that use the river system along or on this property include great blue herons, osprey, bald eagles, and trumpeter swans. All of these species except osprey are considered state species of special concern. The small spring creek is likely to support western garter snakes, rubber boas, western toads, Columbia spotted frogs, Pacific treefrogs, and painted turtles. The western toad is a species of special concern.

Wildlife in the upland areas include white-tailed deer, coyotes, raccoons, skunks, fox, and an occasional black bear and grizzly bear, bobcat, mountain lion, moose, and elk that may move through the area. Grizzly bears (listed as threatened under the federal Endangered Species Act) have moved into the river corridor from nearby mountains during summer and fall to forage on chokecherry and hawthorn berries. Common birds of the uplands and riparian areas include red-tailed hawk, harrier, ring-necked pheasant, Hungarian partridge, eastern turkey, western bluebird, and a variety of other bird species including pileated woodpecker, brown creeper, and veery, all species of special concern. There are also several bat species associated with the riparian corridor along the Flathead River, including Townsend's big-eared bats and hoary bats, two more species of special concern.

Table 1. Scientific and common names of dominant plant species by cover type. Nonnative species in bold.

Scientific Name	Common Name	Douglas Fir/red-osier dogwood	Cottonwood /snowberry/	Cottonwood/gravel bar	Cottonwood /red-osier
Tree Species:					
Populus trichocapa	black cottonwood	X	X	X	X
Pseudotsuga menziesii	Douglas fir	X	X		X
Pinus ponderosa	ponderosa pine	X	X		
Juniperus scopulorum	Rocky Mountain juniper	X	X		
Picea spp	spruce		X	X	X
Alnus incana	thin-leaved alder		X	X	X
Shrub Species:					
Amelanchier alnifolia	serviceberry		X		
Cornus stolonifera	red-osier dogwood	X	X	X	X
Crataegus douglasii	black hawthorn	X	X		X
Mahonia repens	Oregon grape	X	X		
Prunus virginiana	choke cherry	X	X	X	X
Rosa woodsii	Wood's rose	X	X	X	X
Salix exigua	sandbar willow		X	X	X
Sambucus cerulean?	blue elderberry	X	X		X
Symphoricarpos occidentalis	snowberry	X	X		X
Herbaceous Species:					
Achillea millefolium	common yarrow	X	X	X	X
Agropyron cristatum	crested wheatgrass	X	X		X
Agropyron repens	quackgrass	X	X	X	X
Arctium minus	common burdock	X	X	X	
Bromus sp	smooth brome	X	X	X	X
Carex spp.	sedge (multiple species)		X	X	X
Centaurea stroebe	spotted knapweed	X	X		
Cirsium arvense	Canada thistle	X	X	X	X
Cirsium vulgare	bull thistle	X	X	X	X
Cynoglossum officinale	houndstongue	X	X	X	X
Dactylis glomerata	orchard grass	X	X	X	X
Equisetum spp.	horsetail, souring rush		X	X	X
Heracleum lanatum	cow parsnip				X
Leucanthemum vulgare	oxeye daisy	X	X	X	X
Phalaris arundinaceae	reed canarygrass	X	X	X	X
Smilacina racemosa	western false Solomon's Seal	X	X	X	X
Solanum dulcamara	bittersweet nightshade	X	X		
Taraxacum officinale	dandelion	X	X	X	X
Trifolium spp	clover species (multiple)	X	X	X	X
Typha latifolia	cattail			X	X
Urtica dioica	stinging nettle				X
Verbascum thapsus	common mullein		X		

Table 2. Scientific and common names of fish species found in the Flathead River near the Otter Island Property.

Native Salmonids	
Scientific Name	**Common Name**
Salvelinus confluentus	bull trout
Oncorhynchus clarkii lewisi	westslope cutthroat trout
Prosopium williamsoni	mountain whitefish
Prosopium coulteri	pygmy whitefish

Other Native Fish	
Scientific Name	**Common Name**
Mylocheilus caurinus	peamouth
Richarsonius balteatus	redside shiner
Ptychocheilus oregonensis	northern pikeminnow
Cottus cognatus	Columbia slimy sculpin
Cottus confusus	shorthead sculpin
Catostomus catostomus	longnose sucker
Catostomus macrocheilus	largescale sucker

Introduced Salmonids	
Scientific Name	**Common Name**
Oncorhynchus mykiss	rainbow trout
Salvelinus fontinalis	brook trout
Salvelinus namaycush	lake trout
Coregonus clupeaformis	lake whitefish

INFRASTRUCTURE INVENTORY

This property contains no buildings of any kind. There is a small clearing on the property where some building materials and other appliances were dumped some years ago. The area has been mostly cleaned up, but there are still a few metal objects, some old wood, and car batteries remaining (Figs. 11 and 12).

The property has some fencing around it to separate it from neighboring parcels. There are also two gates on the property and one pedestrian pass-through spot. There is a gate on the north side of the property just to the south of the small spring creek that separates this property from the neighbors to the north (Fig. 13). This gate does not provide access to the property because there is private property between the FCA and Conrad Drive. The other gate was installed by the CSKT maintenance crew in the fall of 2011 and provides administrative access to the property from Conrad Drive (Fig. 14). The road to the property at this spot crosses a causeway across the small spring creek. This old channel is fed by springs and underground water sources from the Flathead River and always has water in it. The causeway is above the water most of the year, but often is flooded in the spring when the Flathead River level rises. The surface of the causeway is in poor condition and if administrative access is to continue in

this area, it will need maintenance and improvement (Fig. 15). This area is not suitable for public access because of the lack of a way to safely enter and exit the property from Conrad Drive and because of the deteriorating state of the causeway. There is no way to provide parking in this area, so the gate was placed intentionally to discourage public parking.

Pedestrian access to the property is located where the FCA abuts the Old Steel Bridge FAS to the north. This access allows people and animals to pass between the two properties, but does not allow motorized vehicles (Fig. 5).

The only "structure" on the property was created by trespassers on the property and consists of branches and limbs stacked around a group of trees to create a makeshift shelter (Fig. 16). This shelter is located on the island portion of the property and contains an old sleeping bag and other evidence of past use and human habitation. Exactly what activities have occurred in and around this shelter have not been fully determined, but transient camping has occurred to the north.

PROHIBITED USES OF THE PROPERTY

The following uses are generally prohibited by BPA's conservation easement. Some land management activities such as managing weeds, timber, or other vegetation can be allowed by BPA if the activity does not harm the conservation values of the property and are preapproved by BPA in a management plan. At this time, MFWP does not propose to allow any uses or undertake any management activities listed below unless they are necessary to promote revegetation of cleared or damaged areas. If MFWP proposes any future timber management or response to insect infestations that are different from what is defined by this Plan, MFWP will update the Management Plan and submit the new Plan to BPA for approval.

- Haying and/or mowing;
- Altering of grassland, woodland, wildlife habitat, or other natural features by burning digging, plowing, disking, cutting or otherwise destroying the vegetative cover;
- Dumping refuse, wastes, sewage, or other debris;
- Harvesting wood products;
- Draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices;
- Diverting, causing, or permitting the diversion of surface water into, or out of, the easement area surface by any means;
- Building or placing buildings or structures on the easement area;
- Planting or harvesting any crop;
- Grazing or allowing livestock on the easement area;
- Mining - excavation, dredging, or removal of soil, sand, gravel, rock, minerals, or other surface or subsurface materials;
- Incompatible uses - surface use except for such purposes necessary to preserve, enhance, restore, or create wetlands and riparian resource functions and values;
- Acts Detrimental to Conservation - activities detrimental to conservation of the following: fish and wildlife habitat, flood control, erosion control, water quality protection and enhancement, traditional cultural materials production, aesthetics, and low impact recreation; and
- Subdivision—subdivision of land into multiple, independently platted parcels.

MANAGEMENT GOALS AND OBJECTIVES

Otter Island FCA will be managed primarily to protect and enhance naturally self-sustaining native habitat or native-like habitat that supports indigenous resident fish and wildlife species of the area while allowing compatible recreational uses that do not impact natural resource values for which the property was acquired. The following objectives will help MFWP meet these management goals:

A. Minimize the presence of noxious weed species.

- Noxious weeds are prevalent throughout the property and will be controlled or eliminated over time through a variety of methods: motorized and backpack spraying, hand pulling, and/or biological control as appropriate for the infestation. MFWP will complete a weed inventory and develop a weed management plan in cooperation with Flathead County.
- Weed management will be conducted by MFWP staff, certified contractors, and/or the Flathead County Weed Department.
- Control of knapweed and leafy spurge will be the primary focus for the first several years, but all weeds will be treated as funding and time allows.

B. Protect established riparian cottonwood trees from further damage from beaver activity.

- Fence remaining standing cottonwood trees with chicken wire or staked wire fencing as appropriate along the banks of the mainstem Flathead River and active side channel to preserve as many established trees as possible.
- Trap and remove beaver if damage continues.

C. Remove items from the old dump site, unneeded fencing, and the vagrant shelter.

- Remove decaying building materials, old car batteries, and other discarded objects from the area previously used as a dump site.
- Remove old barbed wire fencing from the south end of the island where it is falling down and nonfunctional. This project may need the assistance of an ATV or similar vehicle to place the barbed wire and fence posts on for easier removal.
- Remove the vagrant shelter that consists of limbs and branches erected around a group of trees. Remove any contents left within the shelter.

D. Maintain administrative access to the property.

- One solution is to replace the pipes/culverts under the road and then raise and resurface the entire length of the crossing. This will allow administrative access to the property year-round, but is not the preferred solution because the backwater slough area habitat will still be separated and flow impeded.
- There are two possible preferred solutions:
    - The first is to remove the old, failing culverts and all the fill material. A bridge would then be placed over the slough to allow maintenance vehicles and foot traffic to cross the water. The size of the bridge will be dependent on whether trucks/cars will need to cross

it or only ATVs/similar small maintenance vehicles will need access to the property.
    - The second it to widen the access from Old Steel Bridge FAS to allow maintenance vehicles to enter where the current pedestrian pass through is located. The vehicle access would be gated so only authorized vehicles would be permitted to use it. Some form of pedestrian pass-through would be maintained.
- The solution to motorized maintenance access will be determined in the future based on cost of the various improvement options, feasibility, and funding availability.

E. Improve the river and side channel riparian habitat by encouraging native plant regeneration and establishment.

- In areas where mature native plants already exist, encourage natural regeneration of riparian vegetation. This may include fencing areas with deer-proof fencing and protecting newly established plants from vole damage. Some watering and weed control will be necessary over time within these exclosures.
- In denuded areas, plant native riparian trees and shrubs to restore native plant communities. Some site preparation may be necessary prior to planting an area. This may include mowing, tilling, weed matting, herbicide application, and/or selective burning. The plantings may be fenced to protect them from deer and beaver damage as needed. Vole protection measures may also be implemented. Weeding and possibly watering may be necessary to ensure plant survival over time.
- All restoration treatments will be monitored yearly for overall effectiveness.
- Any future stream or riparian restoration work beyond that described here would be subject to environmental analysis and public review.

F. Improve upland habitat by restoring native tree and shrub communities to provide better native wildlife habitat.

- Over time, reestablish native trees and shrubs in the upland areas that were grazed or farmed in the past.
- The restoration will most likely be done in phases based on budgetary constraints.
- The trees and shrubs will be protected from deer browsing and vole/pocket gopher damage based on the best methods of control known at the time of planting.
- Restoration of the pasture areas to native trees/shrubs will also help reduce the weed problem on the property.

G. Allow public access and uses that are consistent with the purpose of this acquisition.

- Dispersed recreation such as fishing, bird watching, and hiking will be allowed as long as they do not significantly impact the naturally self-sustaining vegetation and fish and wildlife benefits. Access will be maintained as walk-in only with parking available at the Old Steel Bridge FAS and then following the path through the property boundary fence via an existing pedestrian pass-through.
- Develop and maintain a trail system to provide walk-in access to the property, which may include removal of some trail segments that are contributing to bank erosion and instability.

- Property boundaries will be marked with signs identifying it as a Fisheries Conservation Area. Rules and regulations will be posted at the pedestrian access area. Signs will be used to prevent boat landings along fragile riverbanks or in newly planted, seeded, or revegetated areas.
- The following public use rules and regulations will apply to this property:
    - For garbage, "Pack it in/Pack It Out" rules apply. No trace or low impact day use is encouraged.
    - No campfires or fires of any kind are allowed except as may be needed for natural resource management purposes conducted by MFWP.
    - No overnight camping.
    - No motorized vehicles, bicycles, horses, or other livestock will be allowed on the property except for administrative or management purposes.
    - No commercial use without a permit.
    - Public trapping is limited to water sets only as defined in the Montana Trapping and Hunting Regulations.
    - Open to discharge of weapons including archery, shotgun, muzzleloaders, and traditional handguns during designated hunting seasons only during legal hunting seasons. Recreational shooting and hunting of nongame animals such as ground squirrels will be prohibited (ARM 12.8.202) No permanent tree stands or ground blinds are allowed. Temporary tree stands or ground blinds may be placed for up to 48 hours. No screw-in tree steps may be used to access tree stands, only strap-on steps or climbing-stick-type climbing aids.
    - Dogs must be on a leash at all times, except for when hunting upland game or waterfowl during established seasons.
    - The discharge of paintball guns, trap and target shooting, plinking, and similar activities are prohibited.
    - The property will be monitored periodically to assure that no harm is occurring to the property's conservation values through authorized or unauthorized recreational use.

MODIFICATIONS AND ADDITIONS TO THE PLAN

MFWP will modify or adjust this Plan if monitoring indicates that public use, noxious weeds, stream hydrology, fire, or some other event potentially alters or affects the conservation values and requires a change in management. BPA will have 60 days to comment on any modifications or additions before the new Plan is implemented.

LITERATURE CITED

Confederated Salish and Kootenai Tribes and Montana Fish, Wildlife & Parks. 2004. Flathead Subbasin Plan: Part 1: Flathead River Subbasin Assessment. A report prepared for the Northwest Power and Conservation Council. Portland, OR.

Hansen, P.L., R.D. Pfister, K. Boggs, B.J. Cook, J. Joy, D.K. Hinckley. 1995. Classification and Management of Montana's Riparian and Wetland Sites. Montana Forest and Conservation Experiment Station, School of Forestry, University of Montana, Missoula, MT. 646 p.

ATTACHMENT A
PROPERTY MAP AND PHOTOS

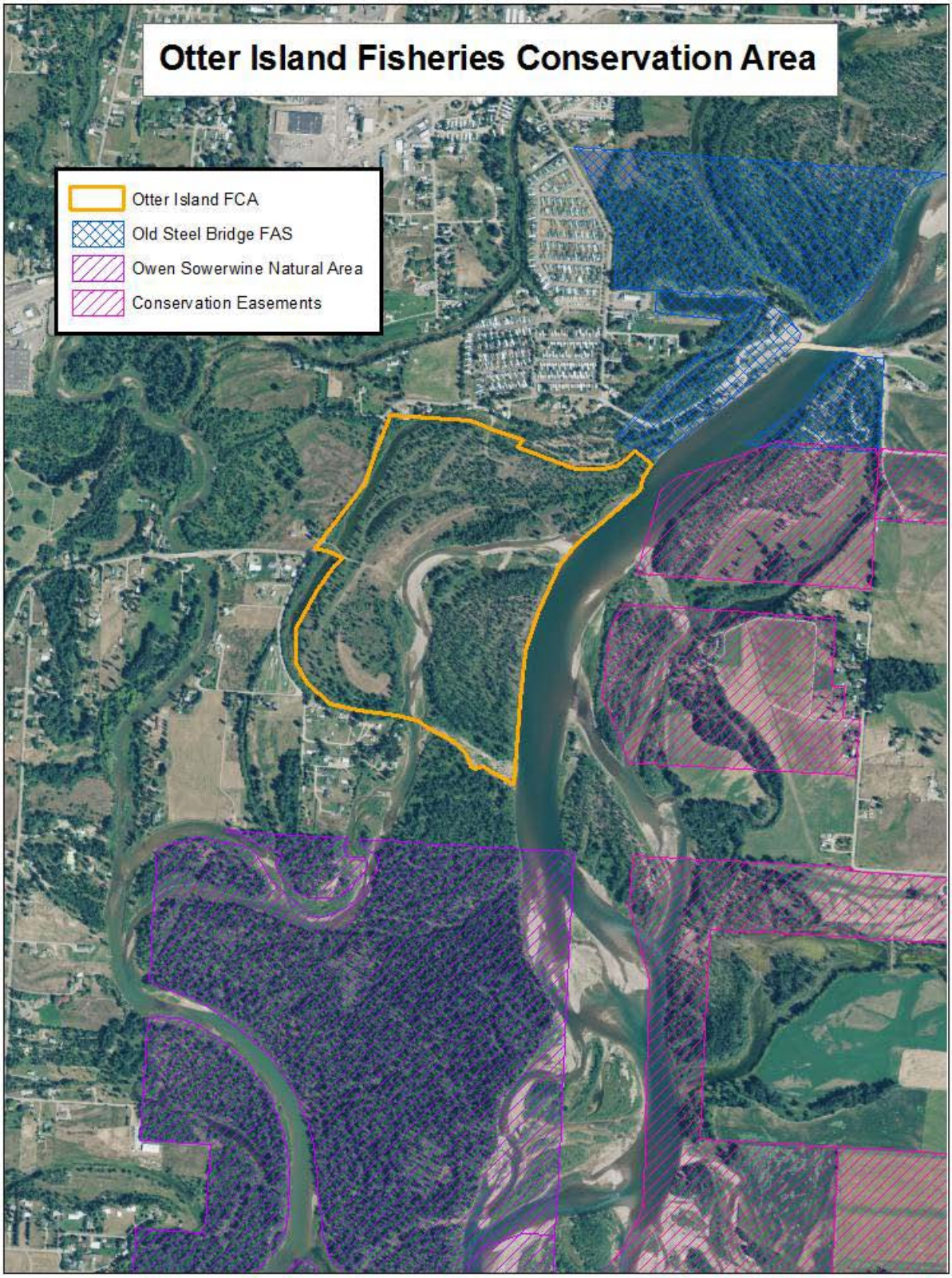

Figure 1. Map of Otter Island FCA property showing other protected land in the area.

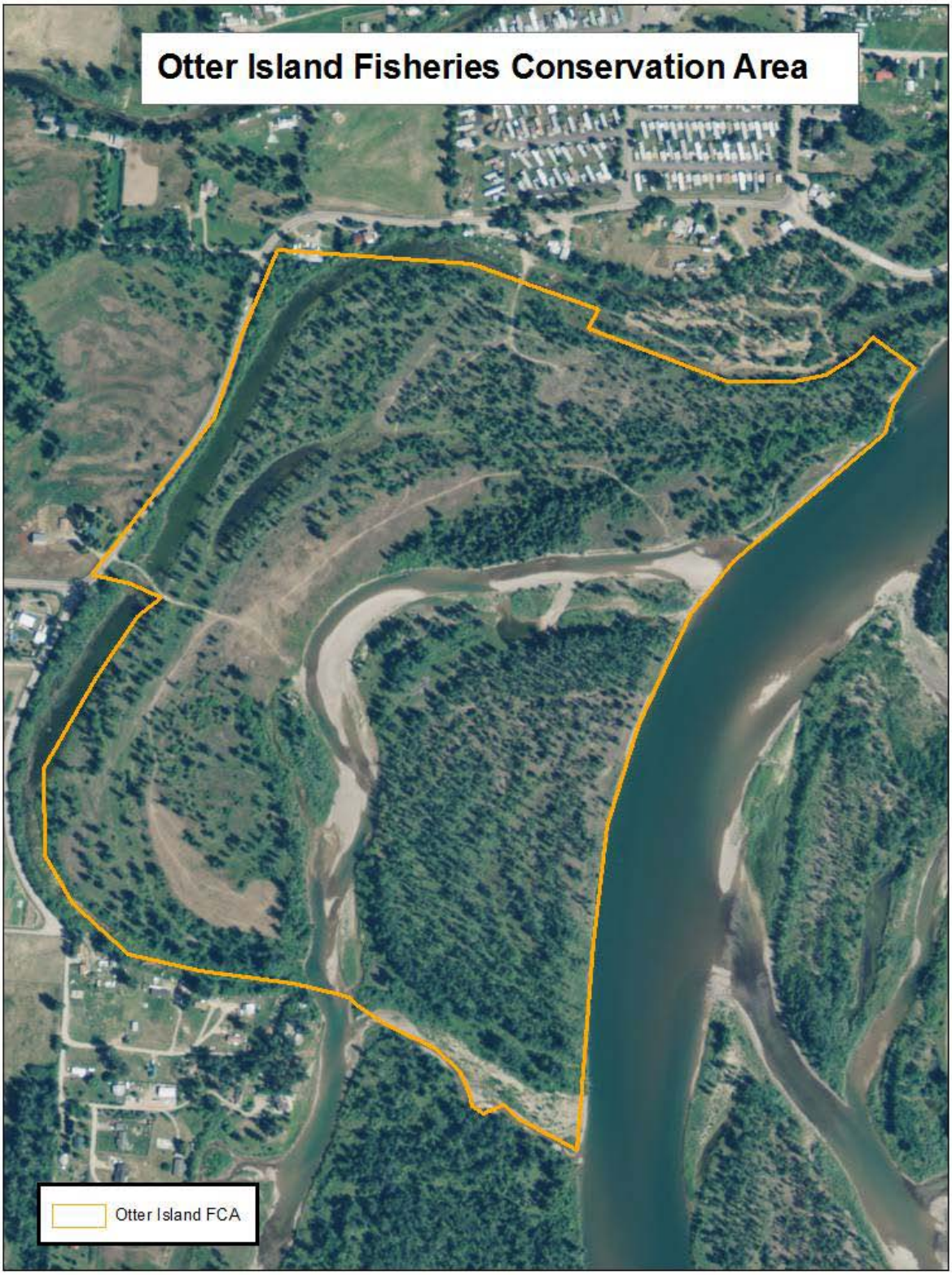

Figure 2. Close-up map of Otter Island FCA property where the island portion in the southeast corner and the rest of the property can be seen in more detail.

Figure 3. Photo taken looking east from the side channel toward the mainstem of the Flathead River.

Figure 4. Photo taken looking southwest across the side channel toward the mature forest on the island.

Figure 5. Photo showing the pedestrian pass-through between the Otter Island FCA and the MFWP FAS.

Figure 6. Photo taken looking north showing a trail along the mainstem of the Flathead River.

Figure 7. Photo taken showing beaver activity along the mainstem of the Flathead River.

Figure 8. Photo showing the eroding banks along the northern border of the side channel.

Figure 9. Photo showing the side channel erosion and the area with riparian vegetation.

Figure 10. Photo showing the erosion on the southern border of the side channel.

Figure 11. Photo showing old building materials discarded at the dump site.

Figure 12. Photo showing the old dump site with batteries and other miscellaneous junk.

Figure 13. Locked gate between private property and the Otter Island FCA property, which does not have vehicle or pedestrian access from Conrad Drive.

Figure 14. Access to the property off of Conrad Drive that is used for property maintenance and administrative use.

Figure 15. Large potholes forming in the causeway across the old Flathead River channel that connects the property to Conrad Drive.

Figure 16. Man-made shelter constructed around a group of trees that is located on the island portion of the property and has been used in the past by vagrants.