

**FUTURE FISHERIES IMPROVEMENT PROGRAM
SUMMER 2016 FUNDING CYCLE
Decision Notice and Response to Public Comment**

Prepared by
Montana Fish, Wildlife & Parks
August 17, 2016

Proposal and Final Action

Members of the Future Fisheries Review Panel submitted funding recommendations for 10 proposed projects from the Summer 2016 funding cycle of the Future Fisheries Improvement Program (FFIP) to the Montana Fish & Wildlife Commission (Commission) for final approval. The Future Fisheries Review Panel is an independent board appointed by the governor (87-1-273, MCA). As a final action, the Commission adopted all of the funding recommendations, as submitted by the Future Fisheries Review Panel, at their public meeting held in Helena on August 11, 2016.

The FFIP was established in 1995 to establish and implement a statewide voluntary program that promotes fishery habitats and spawning areas for the rivers, streams, and lakes of Montana's fisheries in order to enhance future fisheries through natural reproduction (87-1-272, MCA).

Montana Environmental Policy Act (MEPA)

MEPA requires Montana Fish, Wildlife & Parks (FWP) to assess the potential consequences of the proposed action for the human and natural environment. Environmental Assessments (EA's) were prepared and released by FWP on June 27, 2016 for three individual proposed projects associated with the Summer 2016 Future Fisheries funding cycle. The 30-day public comment period ended July 27, 2016. These proposed projects included:

- 1. Marias River Sanford Park fish habitat enhancement (021-2016)**
- 2. Shanley Creek fish screen and water conservation (026-2016)**
- 3. Wasson Creek water rights renewal (028-2016)**

The remaining 7 projects funded by Commission approval fell either under a categorical exclusion (defined under ARM), the federal National Environmental Policy Act (NEPA), or ongoing/pending Environmental Assessment processes by the project applicants.

Projects that fall under a categorical exclusion (riparian fencing):

- Big Hole River fencing project (018-2016)
- Monture and Dunham Creeks riparian fencing (022-2016)

Projects that fall under NEPA:

- Elk Springs Creek habitat restoration (020-2016)
- North Fork Spanish Creek fish barrier (024-2016)
- Rattlesnake Creek Williams fish screen (025-2016)
- Shields River watershed YCT passage (027-2016)

Projects with an EA previously completed:

- Mulherin Creek fish screen (023-2016)

Summary of Public Comment

The following is a summary of comments received from the three drafted EA's, followed by the responses from FWP.

1. Marias River Sanford Park fish habitat enhancement (021-2016)

- Comment 1: "It appears that the Marias River and the Shanley Creek projects will require a Section 404 permit."
- Response: The project applicant has been informed that they must obtain proper permits before grants are awarded.
- Comment 2: "At our last board meeting on July 14, 2016, the board of supervisors of the Liberty County Conservation District wanted to go on record as supporting this project at Sanford Park. We realize that this is a plan already intended to commence, but the board felt that they wanted to make their support known."
- Response: No response necessary.

2. Shanley Creek fish screen and water conservation (026-2016)

- Comment 1: "It appears that the Marias River and the Shanley Creek projects will require a Section 404 permit."
- Response: The project applicant has been informed that they must obtain proper permits before grants are awarded.
- Comment 2: "I think this is a good project. I operate that fish screen and it has needed upgrades for years. I think this will be a benefit to the fish population and make it easier to accurately control the irrigation water and in-stream flow."
- Response: No response necessary.

3. Wasson Creek water rights lease renewal (028-2016)

- Comment 1: "The Wasson Creek project appears to be dealing with just water rights at this point and time, if the creek itself is to be impacted a permit maybe required."
- Response: The project applicant has been informed that they must obtain proper permits before grants are awarded.
- Comment 2: "I support Alternative A, to Fund the water lease and secure additional streamflow in Wasson Creek. It looks like it's been working and to quit now, would set that progress back several years if not all ten of the previous lease."
- Response: No response necessary.

General comments:

- Comment 1: "Once the EA's are final please submit all applicable information to this [Army Corps of Engineers] office for further review."
- Response: A copy of the Decision Notice will be available on the FWP website. The project applicants are responsible for obtaining the proper permits and will submit relevant project information.

Decision Notice

The public comment period closed on the three projects (above), and the comments indicated general support. Based on the EAs' disclosures and analyses of potential impacts, FWP concludes that the proposed actions will not result in any significant impacts. For these three projects, FWP will adopt the draft EA as the final EA and proceed with the projects as planned. Copies of the final EA's are available upon request.

Thank you for your interest,

A handwritten signature in blue ink, appearing to read "Gary Bertellotti". The signature is fluid and cursive, with the first name "Gary" being particularly prominent.

Gary Bertellotti
Acting Fisheries Division Administrator
Montana Fish, Wildlife & Parks