



MONTANA FISH, WILDLIFE & PARKS

FUTURE FISHERIES IMPROVEMENT PROGRAM SUMMER 2020 FUNDING CYCLE Decision Notice and Response to Public Comment

Prepared by:
Montana Fish, Wildlife & Parks
August 13, 2020

Proposal and Final Action

Members of the Future Fisheries Review Panel submitted funding recommendations for 9 proposed projects from the Summer 2020 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 approved all the funding recommendations, as submitted by the Future Fisheries Review Panel, at their public meeting held in Helena on August 13, 2020.

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. An Environmental Assessment (EA) was prepared and released by FWP on June 30, 2020 for one individual proposed project associated with the Summer 2020 Future Fisheries funding cycle. The 31-day public comment period ended July 30, 2020. These proposed projects included:

1. Flint Creek riparian restoration (Granite Co.)

The remaining 8 projects funded by the Commission approval fell under the federal National Environmental Policy Act (NEPA), or external Environmental Assessment processes initiated by the project applicant.

Projects that fall under NEPA:

2. Hall Creek fish barrier removal (Lake Co.)
3. Little Gold Creek fish passage (Granite Co.)
4. Big Hole Divide fish barriers (Beaverhead Co.)
5. Madison River Storey Ditch riparian restoration (Madison Co.)
6. Poorman Creek restoration phase 2 (Lewis & Clark Co.)

Projects with an EA in process or completed by applicant:

7. Lake Elmo fish habitat enhancement (Yellowstone Co.)
8. Long Creek aquatic habitat enhancement (Beaverhead Co.)
9. Lower French Creek riparian restoration (Deer Lodge Co.)

Public Comment

Commenter 1, Strong support of this project under the Proposed Alternative. We believe this project has intrinsic benefit to this section of Flint Creek for riparian and associated aquatic benefits, primarily benefiting Westslope Cutthroat Trout and Bull Trout in the long run.

Response: Thank you for your support.

Commenter 2,

1. Part II. Need for the Project: The 319 grant application indicates a significant portion of this project is active stream channel/bank restoration to correct a number of limiting factors not mentioned in this section. Some of the more prevalent factors include lack of flood plain connectivity; increased channel straitening, lack of pools of sufficient depth, special distribution and number to benefit local fish species etc.
 - a. **Response:** Yes, the benefits of this project expand beyond the Future Fisheries Improvement Program application and this EA.
2. Part III. Scope of the Project: The DEQ is a significant contributing partner to this and other projects in the Upper Clark Fork River. DEQ involvement in this project consist of administering \$136,000 in federal 319 grant funds. This includes ensuring that the project is completed within the confines of the contract, that sediment load reductions are achieved and that the contractor actively engages the public in various stages of project completion.
 - a. **Response:** We appreciate DEQ's involvement in the larger project.
3. Part III. Scope of the Project: Could you include the grazing practices as appendices, or as an attachment to the EA?
 - a. **Response:** Draft grazing practices are included in the project design document on the Future Fisheries webpage <http://fwp.mt.gov/fishAndWildlife/habitat/fish/futureFisheries/2020summerApps.html> (see 014-2020 Flint Creek riparian restoration Design documents 1 and 2). Specific grazing management plans will be coordinated with the Montana Department of Transportation and the landowners and are not yet finalized. The restoration will be protected with both wildlife exclusion fencing and a riparian cattle fence. Updated grazing practices can be obtained by Montana Trout Unlimited once they are finalized.
4. IX. Environmental Impact Review Checklist. Is an EIS required? I'm not sure if FWP was in the loop on this, but the DEQ developed a Biological Evaluation (BE) in coordination with the US Fish and Wildlife Service (Service), US Army Corps of engineers (Corps) and reviewed by the Environmental Protection Agency (EPA). The BE assesses the potential effects of the Flint Creek project implementation on federally listed and proposed threatened and endangered species and critical habitat. The BE also identifies DEQ as the non-Federal representative for the purposes of informal section 7 consultation. As noted in the BE, DEQ anticipates that formal

consultation for bull trout and its critical habitat will be conducted by the Corps in consultation with the Service at the time Trout Unlimited (TU) submits the Project Clean Water Act Section 404 permit application. See the attached US FWS document.

a. **Response:** Thank you for the information.

5. V. Explanation of Impacts to the Physical Environment, Water quantity, quality, and distribution. In a recent meeting with TU and River Design Group (RDG) they indicated the potential use of hydrologic barriers that will allow for dewatering of areas of Flint Creek during construction. TU and RDG also discussed the potential use of upstream diversions to allow for dewatering of the project area. Both of these options have the potential to effect stream distribution during construction.

a. **Response:** Thank you for the information. Trout Unlimited will secure the proper permits to ensure disturbance from construction is minimized, which includes working with local aquatic biologists to address changes in stream distribution.

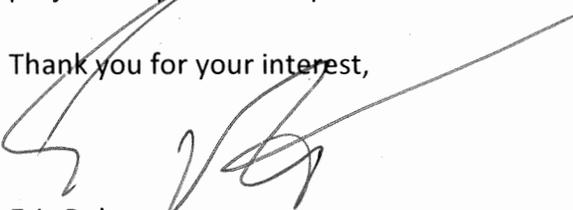
6. DEQ has conducted sampling in the vicinity of the proposed action in conjunction with EPA work in the water shed. Our primary concern about Flint Creek is that it is a potential mercury loader to the Clark Fork River and that disturbing sediments could be detrimental to the fishery and creek. We have attached the "Douglas Creek Data Summary Report" of 2019 sampling. Although Douglas Creek is upstream of the proposed action, we want to provide FWP with additional information to help with your analysis.

a. **Response:** The referenced report on Douglas Creek is 20 miles upstream from the project and is unlikely to be a significant contributor of mercury because it is dry in its lower reaches most years. The Flint Creek mercury contamination originates in Fred Burr Creek and FWP sampling indicates that although mercury is still elevated in fish near Hall, it is unlikely to have an impact to soils. Additionally, this project will dewater the project area to construct the project and will obtain a 318 Authorization to minimize the change in water quality during project construction. Ultimately, the project is intended to reduce erosion and stream sediment input, which is expected to be a positive benefit.

Decision Notice

The public comment period closed on the project (Flint Creek riparian restoration), and we received comments from Trout Unlimited and the MT Department of Environmental Quality (DEQ). The comments that were received were primarily supportive or informational. 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 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,



Eric Roberts
Fish Management Bureau Chief, Fisheries Division
Montana Fish, Wildlife & Parks