

Draft Environmental Assessment

Westslope Fishing Access Site

Proposed Development

June 2021



Region 2 Fisheries
Montana Fish, Wildlife & Parks
3201 Spurgin Road, Missoula, MT 59804



Westslope Fishing Access Site Proposed Development Draft Environmental Assessment

MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife & Parks (FWP) proposes to develop approximately 1.5 acres of private land (encumbered by an FWP Conservation Easement) along Rock Creek for the purpose of providing safe, legal public access to upper Rock Creek, which would include improvements associated with a fully-developed Fishing Access Site (FAS). The site is approximately 14 miles west of Philipsburg in Granite County. Currently, parking of vehicles and trailers is concentrated on Highway 348 (Marshall Creek Road) and Upper Rock Creek Road; pioneered boat ramps exist on Upper Rock Creek Road. This proposal moves use to the FAS and reduces traffic congestion and streambank degradation. Proposed developments include: designated gravel parking area, single-wide concrete boat ramp, gravel access road, concrete vault latrine, boundary and privacy fencing, and informational signs. Development of the site would provide the only developed FWP-managed FAS on Rock Creek, providing legal access to this popular stream for fishing, floating, wildlife viewing, and picnicking.

2. Agency authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs FWP to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of project: Westslope Fishing Access Site Proposed Development

4. Project sponsor:

Montana Fish, Wildlife and Parks, Region 2
3201 Spurgin Road, Missoula, MT 59804; phone (406) 542-5500

5. Anticipated Schedule:

Estimated Public Comment Period: June-July (30 days) 2021

Estimated Decision Notice: July 2021

Commission Approval Requested to Proceed: August 2021

Estimated Commencement Date: August-September 2022

Estimated Completion Date: October 2022

Current Status of Project Design (% complete): 65%

6. **Location:**

The proposed Westslope FAS is located on upper Rock Creek along Highway 348, approximately 14 miles west of Philipsburg, Montana in Granite County.
SE1/4 Section 25, Township 7 North, Range 16 West (Figures 1 and 2).

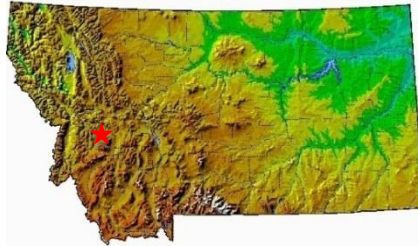


Figure 1. General Location of Westslope FAS

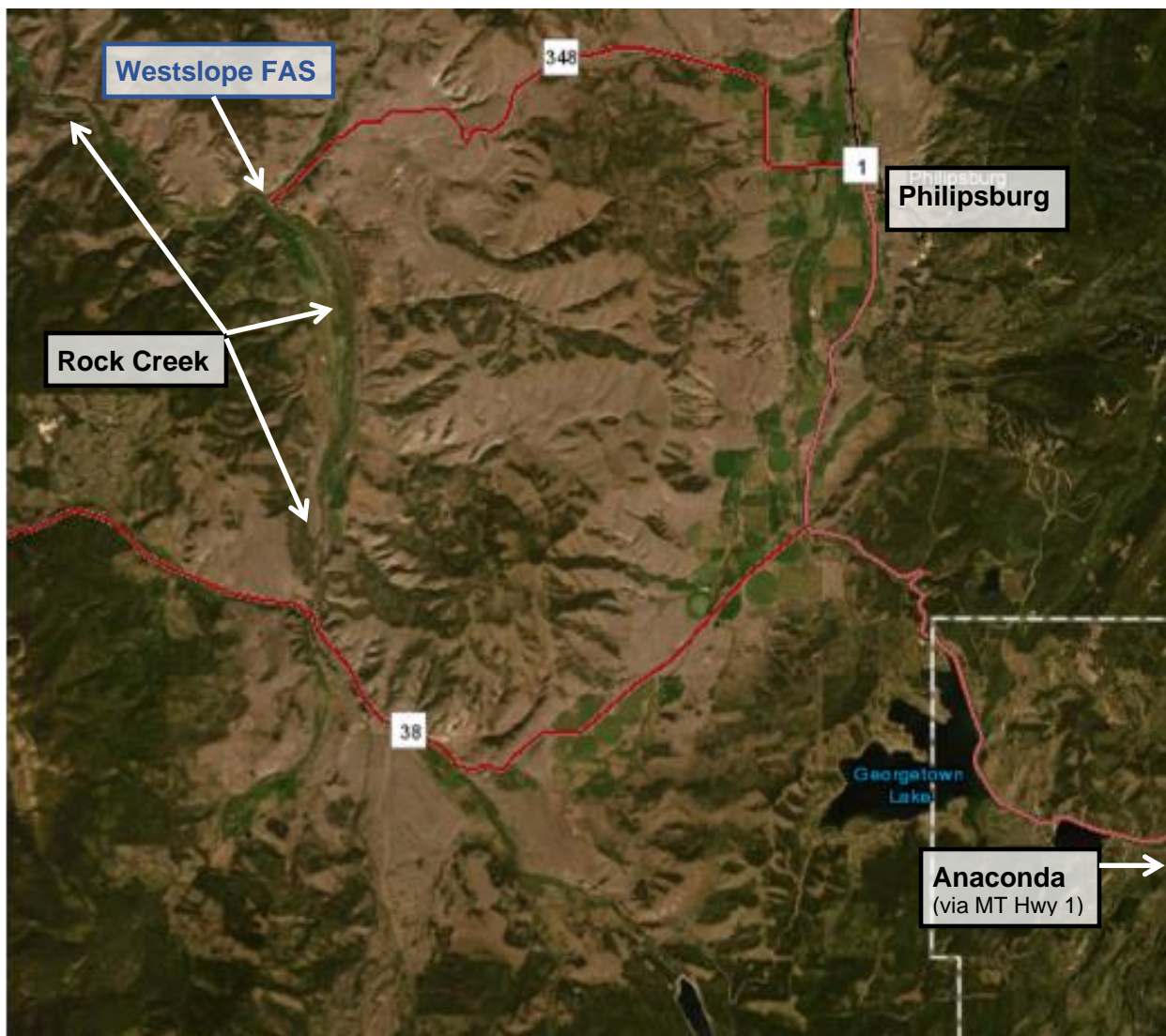


Figure 2. Location of Westslope FAS near the junction of secondary Highway 348 (Marshall Creek Road) and Upper Rock Creek Road (a Granite County Road, also Forest Service Road 102; not depicted on aerial). State Highway 38 is also known as the Skalkaho Highway.

7. **Project size:** estimate the number of acres that would be directly affected that are currently:

Land Type	Affected Area (estimated in acres)	Total (acres)
a. Developed:		
Residential	0	
Industrial	0	0
b. Open Space/ Woodlands/ Recreation		0
c. Wetlands/ Riparian Areas		0
d. Floodplain		1.5
e. Productive:		
Irrigated Cropland	0	
Dry Cropland	0	
Forestry	0	
Rangeland	0	
Other	0	0
Total		1.5

8. **Permits, Funding & Overlapping Jurisdiction.**

- a. Permits:** Permits would be filed at least 2 weeks prior to project start.

Agency Name	Permit
MT Dept. of Environmental Quality	318 Short-Term Water Quality Standard for Turbidity
MT Fish, Wildlife & Parks	124 MT Stream Protection Permit
Granite County	Floodplain and Sanitation Permits
US Army Corps of Engineers	404 Federal Clean Water Act Permit

b. Funding:

Agency Name	Funding Amount
MT Fish, Wildlife & Parks General License Fund	\$200,000

c. Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Natural Heritage Program	Species of Concern (Appendix B)
State Historic Preservation Office	Cultural Clearance
Granite County Weed District	Weed Management Coordination

9. **Narrative summary of the proposed action:**

Background

Rock Creek is a tributary to the Clark Fork River. Rock Creek flows northerly through Granite County, paralleling the Sapphire Mountains to the west and John Long Mountains to the east, and merges with the Clark Fork River near Clinton in Missoula County. Rock Creek has a total length of 52 miles. Lack of main-stem impoundments allows spring peak flows, as well as fall and winter low flows, to influence a unique ecosystem and aesthetic resource. The clear cold water of Rock Creek supports a variety of aquatic environments that remain relatively undisturbed and supports a variety of game and non-game fish species, including bull trout, listed as Threatened by the US Fish and Wildlife Service (USFWS, under the Endangered Species Act), and westslope cutthroat trout, a Montana Species of Concern. The creek is important for recreational use and is heavily used for fishing, floating, hunting, wildlife viewing, hiking, and picnicking.

The proposed Westslope FAS is located at stream mile 32, approximately 20 miles north of its headwaters. Rock Creek is one of the most popular fly-fishing streams in Montana and is open year-round to angling, with specific exceptions outlined in the current Montana 2021 Fishing Regulations. According to recent FWP surveys, average angler days per year from 2009 to 2017 on the 52-mile stretch from its confluence with the Clark Fork River (stream mile 0) to its headwaters was 64,584, with a low of 45,579 in 2009 and a high of 79,190 in 2013--representing one of the most fished bodies of water out of more than 1,400 stream-reaches, lakes and reservoirs in Montana surveyed annually by FWP. Fishing from boats is allowed until June 30 while the water is relatively high. It is very popular to float during this time because Rock Creek can be difficult to wade or fish from shore at high water and many insect hatches (including the salmonfly hatch) create excellent fishing.

The land where this proposed FAS site is being built is privately owned and is encumbered by a conservation easement (CE) held by FWP. The CE allows for the construction of the proposed FAS and use by the public. FWP would develop and manage approximately 1.5 acres of the property as a FAS for the purpose of providing safe, legal public access to Rock Creek.

Proposal

The purpose of this proposal is to build a FAS that would provide parking and boat access, which in turn would reduce parking on Highway 348 and Upper Rock Creek Road and relocate boat access to a developed FAS. Parking on the highway and road causes unsafe traffic congestion for people traveling through the area as well as people parking vehicles and launching boats (Figure 3). Launching boats from the road via pioneered launch sites has caused streambank degradation (Figure 4).



Figure 3. Traffic congestion at pioneered boat launches near proposed Westslope FAS. Looking south along Upper Rock Creek Road, towards Bohrsen Bridge (center-left in this photo).



Figure 4. The existing pioneered boat launches, located across the creek from the proposed Westslope FAS development. Looking west along Upper Rock Creek Road, just west of its junction with Highway 348.

The proposed FAS would be along the eastern shore of Rock Creek; the site currently has a private gravel access road (Jimmy Lee Gulch Lane; also used to access a neighboring residence) going westerly off Highway 348, just east of Bohrsen Bridge (earlier name was Gillies Bridge). The site has a pioneered parking area and a seldom-used pioneered boat launch. Additionally, a pioneered parking area and two pioneered boat launches are located off Upper Rock Creek Road and the west shore of Rock Creek, directly across Rock Creek from the proposed FAS development.

Proposed developments include a designated gravel parking area, a single-wide concrete boat ramp, a gravel access road, a concrete vault latrine, boundary and privacy fencing, and informational signs (Figure 5 and 6). Additionally, the pioneered parking area and boat launches across the creek would be fenced to restrict parking and boat access and encourage the reestablishment of native riparian vegetation. A concrete ramp at the proposed FAS would withstand heavy vehicle use, thereby eliminating undesirable runoff of soil sediment into the creek if only a gravel launch were provided (Figure 7). The steepness of the ramp area suggests that a concrete ramp would last longer and therefore be more economical and require less maintenance in the long run--an important consideration when high numbers of boaters are relying on a single location. Development of the site would provide the only developed FWP-managed FAS on Rock Creek, providing legal access to a very popular stream for floating, fishing, wildlife viewing, and picnicking.

The property would be managed under existing FWP public-use regulations. Management of the FAS would include routine maintenance, control of vehicles and firearms, and other accepted FWP FAS and recreation area management rules and regulations. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS would be for day-use only, and overnight camping would not be allowed on the site. Development of Westslope FAS would provide safe and

legal public access to Rock Creek for fishing and floating and provide additional recreational opportunities for walking, picnicking, and wildlife viewing. A key component of this proposed action is to significantly improve safety conditions for both vehicular traffic and pedestrians. Currently the area lacks the organization and safety control measures of a developed site. FWP desires to correct and improve a site with multiple safety, environmental and organizational issues for the recreating public.



Figure 5. Approximate Westslope FAS parcel map. Blue area indicates the approximate development footprint of the FAS.

The property would be managed under existing FWP public-use regulations. Management of the FAS would include routine maintenance, control of vehicles and firearms, and other accepted FWP FAS and recreation area management rules and regulations. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS would be for day-use only, and overnight camping would not be allowed on the site. Development of Westslope FAS would provide safe and legal public access to Rock Creek for fishing and floating and provide additional recreational opportunities for walking, picnicking, and wildlife viewing. A key component of this proposed action is to significantly improve safety conditions for both vehicular traffic and pedestrians. Currently the area lacks the organization and safety control measures of a developed site. FWP desires to correct and improve a site with multiple safety, environmental and organizational issues for the recreating public.

10. **Description** and analysis of reasonable alternatives:

Alternative A: No Action

If no action was taken, and a 1.5-acre parcel of private land along Rock Creek was not developed and managed as an FAS (Westslope), anglers, floaters and boaters would continue to launch and take out boats and rafts at the pioneered boat launches and park in the pioneered parking areas. Sediment delivery to Rock Creek from the pioneered boat launches and parking areas would continue, reducing water quality and potentially impacting habitat for the Threatened bull trout and westslope cutthroat trout, a Montana Species of Concern. Public access for recreational opportunities for boating, fishing, floating, picnicking, wildlife viewing, and walking along Rock Creek would also continue to be limited in this area. Vehicular traffic flow, constriction of vehicle passage and pedestrian safety would remain in a problematic and unsafe condition in the general area of the site. Environmental conditions would be expected to worsen, and the site would remain unmanaged and unorganized.

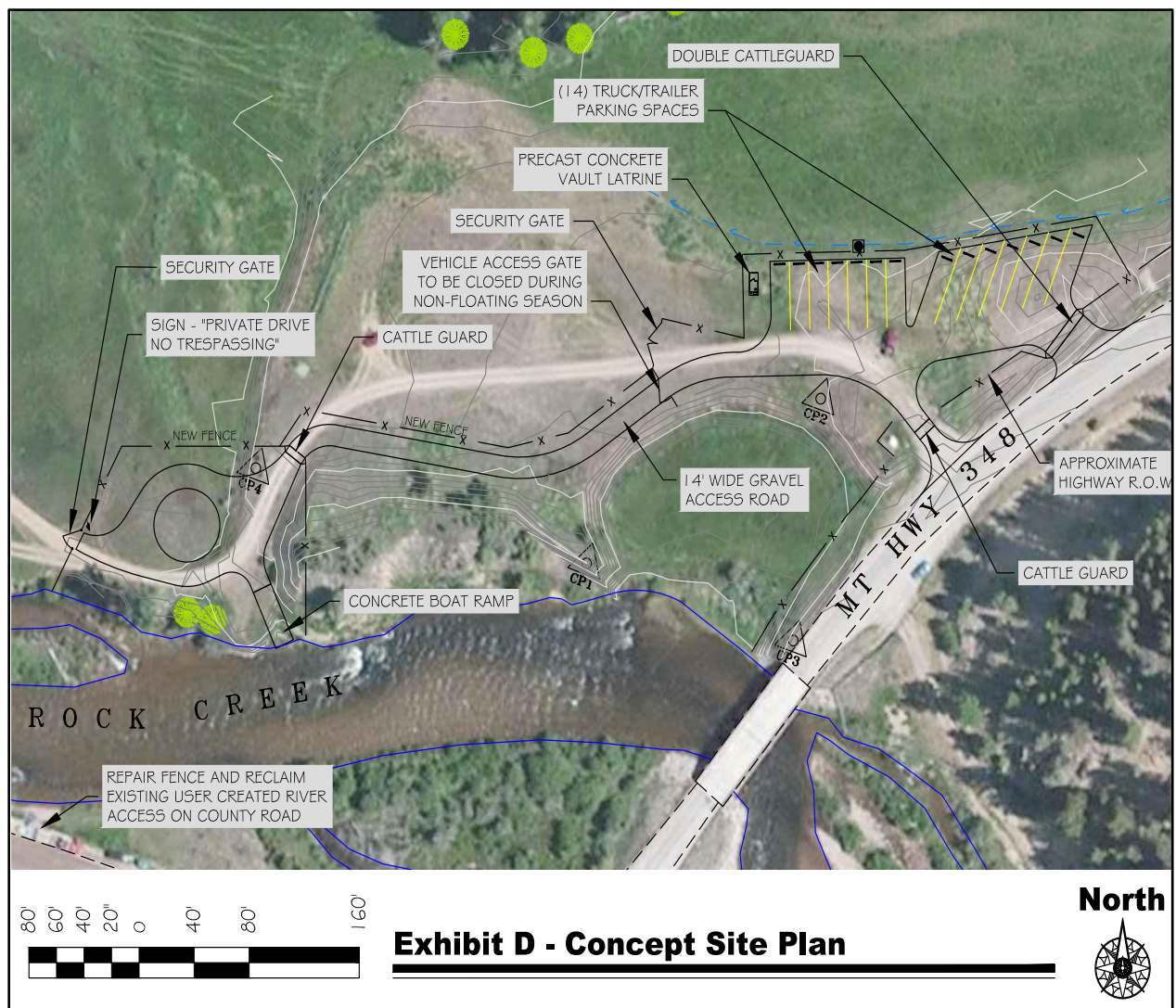


Figure 6. Preliminary Concept Site Plan for Westslope FAS.



Figure 7. The proposed boat ramp location at Westslope FAS. Looking to the east shore of Rock Creek, from the west shore.

Alternative B: Proposed Action

FWP proposes to develop approximately 1.5 acres of private land along Rock Creek for the purpose of providing safe, legal public access to Rock Creek, which would include improvements associated with a fully-developed FAS. Proposed developments include a designated gravel parking area, a single-wide concrete boat ramp, a gravel access road, a concrete vault latrine, boundary and privacy fencing, and informational signs. Development of the site would provide the only developed FWP-managed FAS on Rock Creek, a popular “blue ribbon” stream. Improved safety conditions for both vehicular traffic and pedestrians would result. The action would improve environmental conditions and would provide a managed, organized recreation site for the public.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would employ Best Management Practices (BMP) (*Appendix D*), which are designed to reduce or eliminate sediment delivery to waterways during project construction. FWP would develop the final design and specifications for the Proposed Action. All county, state and federal permits listed in Part I.8.a above would be obtained by FWP as required. A private contractor selected through the state's contracting process would complete the construction.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1a. The Proposed Action would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability of the site. Soil and geologic substructure would remain stable during and after the proposed work.

1b. During construction, some minor modifications to the existing soil features would be required for construction of the parking area, boat ramp, staging area, and access road. Disturbed areas would be seeded with a native seed mix to minimize erosion and sediment delivery to Rock Creek and the spread of noxious weeds. The property's current management for wildlife habitat would continue. The Proposed Action would not affect soil productivity or fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion (Appendix D).

The proposed development would lessen erosion and deterioration of the site by controlling use, minimizing erosion of exposed soils, and re-vegetating disturbed soils.

1c. No unique geologic or physical features would be altered by the Proposed Action.

1d. The proposed project would have temporary and minor adverse impacts on the bank of Rock Creek. Minor amounts of sediment may enter the creek during construction of the parking area, boat ramp, and access road. Upon completion, erosion and sedimentation to the creek would be improved.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?		X				2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				2e.

2a. Dust may be temporarily generated during construction of the boat ramp, staging area, parking area, and access road. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See Appendix D for the BMP. Diesel equipment would be used to implement the Proposed Action. There would be a temporary increase in diesel exhaust. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. The impacts would be short term and minor.

2b. FWP would regularly maintain the latrine to minimize objectionable odors.

2e. The proposed project would have no impact on air quality in the vicinity of Westslope FAS and would not result in any discharge that could conflict with federal or state air quality regulations.

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)			X		Yes	3l.
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)			X		Yes	3m.

3a. Construction of the proposed developments may cause a temporary, localized increase in turbidity in Rock Creek. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. FWP BMPs would be followed during all construction (Appendix D).

3b. Construction of a designated parking area, boat ramp, staging area, and access road may alter surface runoff. The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP would be followed (Appendix D).

3d. There may be a minor, temporary increase of runoff during construction. FWP BMP would be followed (Appendix D).

3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and a temporary increase in sediment delivery to the creek. FWP BMPs would be followed during all phases of construction to minimize these risks (Appendix D).

3l. According to Federal Emergency Management Agency (FEMA) Flood Hazard Mapping, much of the proposed project site, including the boat ramp, staging area, and access road, would be located within Zone A of the Special Flood Hazard Areas on Rock Creek. These areas have a 1% annual chance of a flood hazard, as shown on the Federal Emergency Management Agency (FEMA) Map # 30039C0725C, effective date April 19, 2016. Permits from

FWP, Montana Department of Environmental Quality (DEQ), and Granite County would be obtained to ensure the proposed project would follow federal, state, and county floodplain and water quality regulations.

3m. All impacts to water quality resulting from construction would be temporary.

4. VEGETATION Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes Positive	4a.
b. Alteration of a plant community?		X				4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f.
g. Other:						

4a. The Proposed Action would have minor impacts on the plant communities and diversity of the grassland, shrubland, and riparian plant communities on the proposed Westslope FAS. Disturbed areas would be reseeded wherever possible to reduce erosion and weed establishment and to encourage the growth of native plant communities. The boat ramp, staging area, parking area, and access road would be constructed on sites previously disturbed by pioneered recreational activities. Development of the boat ramp, access road, staging area, and parking area would have a minor impact on the vegetation and a minimal number of trees and shrubs would be removed during construction. Because the construction area is small, impacts from construction would be minor. In addition, the pioneered boat launch and parking area would be fenced to encourage natural regeneration of native riparian vegetation.

4b. The Proposed Action would not alter the composition of plant communities at the site. The primary ecological systems found on Westslope FAS is Rocky Mountain Lower Montane, Foothill, and Valley Grassland with small areas of Rocky Mountain Lower Montane- Foothill Riparian Woodland and Shrubland, as defined by the Montana Natural Heritage Program (MNHP), and is dominated by a variety of native grasses and riparian shrubs. Common native plant species found on the proposed project site include black cottonwood, Rocky Mountain juniper, chokecherry, crack willow, sandbar willow and other willow species, shrubby cinquefoil, Wood's rose, fringed sagewort, hairy golden aster, smooth blue aster, shaggy fleabane, yarrow, Idaho fescue, bluebunch wheatgrass, needle-and-thread, green needlegrass, basin wildrye, slender wheatgrass, and western wheatgrass.

Common introduced species found on the property include yellow sweetclover, reed canarygrass, smooth brome, crested wheatgrass, Kentucky bluegrass, and orchardgrass. Weed species found throughout the site include mullein, musk thistle, dandelion, and salsify and Noxious Weed species found throughout the site include spotted knapweed and oxeye daisy. Cheatgrass, a Regulated Species as classified by the Montana Department of Agriculture, is also found throughout the site.

4c. A search of the Montana Natural Heritage Program's (MNHP) Species of Concern database found no observations of Montana plant Species of Concern on or within the vicinity of Westslope FAS.

4d. The site is not under agricultural production so the proposed project would have no impact on agricultural productivity.

4e. Spotted knapweed, oxeye daisy, and cheatgrass are found along Rock Creek and on the property. In conjunction with the Granite County Weed Department, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property. Weed management would also include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking area, access road, staging area, and boat ramp, which would be maintained and controlled to eliminate weeds and vehicles would not be allowed on undisturbed areas to minimize the spread of noxious weeds. Weed control costs for Westslope FAS in 2021 would be approximately \$500, which includes spraying by FWP.

4f. According to a search of the Natural Resource Conservation Service (NRCS) Web Soil Survey on November 14, 2019, all portions of the proposed Westslope FAS site are classified as Prime Farmland of Local Importance.

A search of the MNHP Wetland and Riparian Mapping Program on November 13, 2019 and a site visit by FWP staff found that no wetland or riparian forest or shrubland is located on the project site. A .5-acre Temporarily Flooded Emergent Wetland is located adjacent to the project site but is not included on the proposed Westslope FAS property. Because the site has been previously disturbed by pioneered recreational use, development of the proposed FAS would have minor to no impacts on riparian vegetation found along Rock Creek.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h.
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				5i.

5a. The proposed developments are designed to minimize impacts to wildlife habitat. Few trees and shrubs would be removed for construction of the boat ramp, parking area, staging area, and access road and efforts would be made to preserve any large, healthy trees and snags where possible. The FAS does not provide substantial habitat for any wildlife species of concern. Even though this stretch of Rock Creek is considered critical habitat for bull trout, listed as Threatened by the USFWS, the proposed project would have minor to no impact on bull trout.

5b, 5c. The proposed project would have no impact on the diversity or abundance of game or non-game wildlife species. According to Torrey Ritter, FWP Region 2 Wildlife Biologist, and a review of the Montana Natural Heritage Program (MNHP) Environmental Summary for the site, species that may use the site include white-tailed and mule

deer, moose, mountain lion, black bear, beaver, northern river otter, bald eagle, osprey, sandhill crane, wild turkey, and great blue heron. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including a variety of raptors, waterfowl, woodpeckers, and songbirds.

According to Brad Liermann, FWP Region 2 Fisheries Biologist, and a review of Montana Fisheries Information System (MFISH) database, common game fish found in Rock Creek in the vicinity of Westslope FAS include bull trout, brown trout, rainbow trout, westslope cutthroat trout, westslope cutthroat trout and rainbow trout cross, brook trout, and mountain whitefish. Common non-game species found in this reach include longnose sucker, largescale sucker, longnose dace, northern pike minnow, and slimy sculpin. Due to its small scale, the proposed project is unlikely to impact the fishery or aquatic habitat of Rock Creek.

The proposed FAS would take advantage of existing bank stabilization in the location of the bridge, and therefore little additional bank stabilization measures would be needed to construct or maintain the site.

The proposed Westslope FAS is located on Rock Creek near stream mile 32, 20 miles downstream of its headwaters in the Beaverhead-Deerlodge National Forest. Rock Creek is open to angling from the third Saturday in May through November 30, with specific exceptions outlined in the Montana 2021 Fishing Regulations. According to recent FWP surveys, the average angler days per year from 2009 to 2017 on the 52-mile stretch from its confluence with the Clark Fork River (stream mile 0) to its headwaters was 64,584, with a low of 45,579 in 2009 and a high of 79,190 in 2013, representing one of the most fished bodies of water in Montana out of more than 1,400 stream reaches, lakes and reservoirs in Montana surveyed annually by FWP.

5f. A search of the MNHP element occurrence database indicates species occurrences of bald eagle (listed as DM by the USFWS), bull trout (listed as LT and CH by USFWS), and wolverine (listed as P by USFWS) have been reported within one mile of the proposed FAS. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The MNHP database indicates that westslope cutthroat trout, golden eagle, great blue heron, pileated woodpecker, great gray owl, Clark's nutcracker, brown creeper, evening grosbeak, Cassin's finch, fisher, Townsend's big-eared bat, hoary bat, little brown myotis, fringed myotis, and western pearlshell, all Montana animal Species of Concern, occur or are likely to occur within one mile of the proposed FAS.

According to Torrey Ritter, FWP Region 2 Nongame Wildlife Biologist, the proposed project is unlikely to impact bald eagle. The nearest bald eagle nest is approximately 2.5 miles upstream of the FAS, which is outside of the recommended 0.5-mile distance listed in the Montana Bald Eagle Management Plan, indicating the proposed project would have no effect on bald eagles. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). In addition, the proposed project is also unlikely to impact bald eagle as this species is accustomed to some level of disturbance in the area. The area surrounding the FAS has been disturbed by Highway 348, recreational use, and nearby agricultural activities for years. According to Torrey Ritter, the proposed project is also unlikely to impact wolverine, great gray owl, brown creeper, evening grosbeak, or fisher because these species are unlikely to occur within the vicinity of the FAS. Furthermore, the project is unlikely to impact golden eagle, great blue heron, pileated woodpecker, Clark's nutcracker, Cassin's finch, Townsend's big-eared bat, hoary bat, little brown myotis, fringed myotis, and western pearlshell because the proposed FAS is small, the site does not provide habitat that would support these species, or the species have become adjusted to the long-term disturbance of the site.

The USFWS designated four animal species and one plant species as needing or potentially needing additional habitat protection in Granite County. Canada lynx, grizzly bear, and bull trout have been listed as Threatened (LT) by the USFWS, defined as species that are likely to become an endangered species within the foreseeable future throughout all or a significant portion of their range. Wolverine is listed as a Proposed species (P), defined as any species that is proposed in the Federal Register to be listed as Threatened or Endangered, and whitebark pine is listed as a Candidate (C), defined as species with sufficient information and biological status and threats to propose to list it as threatened or endangered. The proposed development of the Westslope FAS would have no impact on these species because the site does not provide substantial habitat for these species.

According to Brad Liermann, FWP Region 2 Fisheries Biologist, this reach of Rock Creek is occupied by bull trout year-round with this portion of the creek being used as foraging, migratory and overwintering (FMO) habitat. This reach of Rock Creek maintains significant numbers of bull trout during all seasons, although a portion of the population likely disperse during high temperature periods and spawning migration periods. See Appendix E Biological Assessment for the Westslope FAS for specific densities of bull trout during surveys. The habitat for bull trout in this reach of Rock Creek is very good. There has generally not been significant habitat alteration in this reach. The valley above and below this reach is primarily used for cattle ranching. There are some impacts to the stream flows due to diversion of water for irrigation in this reach, but significant dewatering does not occur. Riparian grazing also occurs in a portion of the valley adjacent to the project but does not appear to be having major impacts

to Rock Creek in most of this reach. Recruitment of woody riparian vegetation is definitely limited in some reaches due to cattle grazing but doesn't appear to be having significant impacts to this reach of Rock Creek. Overall, the bull trout habitat in this reach of Rock Creek is in fairly good condition which is why densities of bull trout remain relatively good in this reach.

Even though Rock Creek is classified as Critical Habitat for bull trout by the USFWS from its headwaters in the Beaverhead-Deerlodge National Forest to its confluence with the Clark Fork River, the proposed project would not negatively impact bull trout or westslope cutthroat trout. The single-wide boat ramp portion of this project would harden just a few feet of the Rock Creek channel and the footprint is small enough that the impacts would not be measurable. Additional angling pressure could occur leading to incidental mortality of bull trout, but access to this portion of the creek is already available for both floaters and wade anglers, so additional impacts would likely be negligible. The proposed project could improve habitat for these species by reducing the sediment delivery to the creek by reclaiming and revegetating the pioneered parking area and boat ramp. If additional angling pressure does occur, it may provide additional fishing license sales. Funds from these license dollars would put additional management and restoration work on the ground, providing benefits to bull trout in Montana. The potential of increasing angler participation can also provide more political support for bull trout management and protection in the future. These benefits likely offset any impacts the project may have. See Appendix E for more details of project impacts to bull trout in Appendix E Biological Assessment for the Westslope FAS.

According to Tyler Parks, FWP Region 2 Wolf Biologist, Westslope FAS is within the habitat of the gray wolf. Currently there are packs with a home range that overlaps the project area. While it is possible for wolves to travel through the project area, none have been recently sighted in the immediate area. The wolf population in Montana is strong and wolves may pass through just about any area including this site. FWP has no concerns with this project impacting gray wolves.

5h. Bull trout is the only threatened or endangered species observed near the proposed project area (Appendix B-Native Species Report). According to Brad Liermann and recent FWP surveys, bull trout do not spawn in this reach of Rock Creek but migrate through this stretch to reach spawning areas in the upper tributaries to Rock Creek. The most productive bull trout spawning tributaries are located in the upper portion of the drainage, thus many adult bull trout using habitat lower in the drainage migrate through this reach to gain access to spawning tributaries. Even though Rock Creek is designated as Critical Habitat for bull trout, it is unlikely that the proposed project would have any negative impact on bull trout. See detailed descriptions to potential impacts in paragraph 5f. above and Appendix E Biological Assessment for the Westslope FAS.

5i. No wildlife species would be imported or exported to the area as a result of the proposed development. This project only involves the development of the Westslope FAS and would not promote the introduction or spread of invasive species.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		Yes	6a.
b. Exposure of people to serve or nuisance noise levels?			X		Yes	6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.

6b. The proposed Westslope FAS is located approximately 14 miles from Philipsburg, Montana and fewer than 10 residences or businesses are located within 1 mile of the project site. Because the site has been used for pioneered recreation and agriculture for years and is located near Highway 348, Upper Rock Creek Road, and Bohrsen Bridge, the proposed development would have no additional impact on noise in the vicinity of the proposed Westslope FAS. The minor and temporary increase of noise levels during construction may be heard by nearby neighbors and visitors, though this is an area already impacted by noise from traffic, seasonal farm equipment, and recreational use. FWP would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

7a. Land use would not change in the vicinity of Westslope FAS so the proposed project would have no impact on the productivity or profitability of the FAS property.

7d. The proposed project would not adversely affect nearby residences.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in;	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Yes	8d.

8a. Physical disturbance of the soil during construction could encourage the establishment of additional noxious weeds on the site. In conjunction with the Granite County Weed District, FWP would implement an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious

weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidentally being released into the flood plain during construction. Contractors would have absorbent materials on site to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow FWP BMP during all phases of construction to minimize risks (Appendix D).

8d. The use of herbicides to control noxious weeds could result in temporary water contamination from an inadvertent spill. The use of herbicides would be in compliance with application guidelines, outlined in the FWP Statewide Integrated Noxious Weed Management Plan, to minimize this risk and would be applied by people trained in safe handling techniques.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				9c.
d. Changes in industrial or commercial activity?			X		Yes Positive	9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				9e.

9c. The proposed project would improve recreation in the area by providing a safe site for launching and taking out boats and rafts from this stretch of Rock Creek. This would benefit local retail and service businesses (Appendix C - Tourism Report).

9d. There is the potential for an increase in fishing use on the site.

9e. The proposed FAS would be the only developed FWP-managed FAS on Rock Creek and would give boaters and floaters an opportunity to legally access this stretch of Rock Creek. Since it is likely that the proposed project would increase recreational use of the site, there could be a small increase in traffic on Highway 348 and Upper Rock Creek Road. Otherwise, the proposed project would have little or no impact on traffic in the area and any impacts to traffic would be minor and concentrated on weekends during the peak season. The Proposed Action also would not alter the distribution of population in the area.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

10a. The proposed development of the Westslope FAS would have no impact on public services or utilities. The proposed developments would require periodic maintenance by FWP and the site would be patrolled by FWP.

10b. The Proposed Action would have no effect on the local and state tax base and revenue because FWP pays property taxes in an amount equal to that of a private individual.

10e. No revenue would be generated at the FAS.

10f. Projected annual operating, maintenance, weed control, and personnel expense for fiscal year 2021 would be determined based on final development plans.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. <u>For P-R/D-J</u> , will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				11d.

11a, 11b. The Proposed Action would have no impact on the aesthetic values of the FAS.

11c. The Proposed Action would improve recreational use of this stretch of Rock Creek by providing safe facilities for the launch and take-out of boats and rafts. This could benefit local retail and service businesses (Appendix C - Tourism Report).

11d. No designated wild or scenic rivers, trails, or wilderness areas would be impacted by the proposed developments.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d.

12a, 12d. Prior to the commencement of construction, FWP would contact the State Historic Preservation Office (SHPO) to seek a concurrence from SHPO on FWP recommendations for the project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				13f.
g. For P-R/D-J, list any federal or state permits required.		X				13g.

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the developments would benefit the community and recreational opportunities over the long-term. The proposed FAS would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the proposed FAS positively impacts the public's recreational use of the popular Rock Creek.

13f. The proposed project is designed to improve recreational facilities on the site and is not expected to generate organized opposition or substantial public controversy.

13g. The U.S. Army Corps of Engineer 404 Federal Clean Water Act is the only federal permit required for the proposed development. The Montana DEQ 318 Short Term Water Quality Standard for Turbidity and the FWP 124 Montana Stream Protection Act are the only state permits required for the proposed development. In addition, a Granite County Floodplain permit would be required.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term, and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Rock Creek.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for creek access.

The Proposed Action would not impact local wildlife species that frequent the property, and the project would be designed to avoid conditions that stress wildlife populations. Although bald eagles have been observed in the vicinity of the FAS, the proposed project is unlikely to impact bald eagle since the nearest bald eagle nest is approximately 2.5 miles upstream of the FAS, which is outside the recommended 0.5-mile distance in the Montana Bald Eagle Management Plan, and this species is accustomed to some level of disturbance in the area. The proposed project is also unlikely to impact wolverine, great gray owl, brown creeper, evening grosbeak, or fisher because these species are unlikely to occur within the vicinity of the FAS. Furthermore, the project is unlikely to impact golden eagle, great blue heron, pileated woodpecker, Clark's nutcracker, Cassin's finch, Townsend's big-eared bat, hoary bat, little brown myotis, fringed myotis, or western pearlshell because the proposed FAS is small, the site does not provide habitat that would support these species, or the species have become adjusted to the long-term disturbance of the site. While it is possible for wolves to travel through the project area, none have been sighted, and there is no pack currently located in the area; thus, it is unlikely that the Proposed Action would impact gray wolves.

Even though this reach of Rock Creek is occupied by bull trout year-round and is used as foraging, migratory and overwintering (FMO) habitat, the proposed FAS is not likely to adversely affect bull trout or bull trout habitat because the footprint is so small that the impacts would not be measurable. Additional angling pressure could occur leading to incidental mortality of bull trout, but access to this portion of the creek is already readily available for both floaters and wade fishermen, so additional impact would likely be negligible. If additional angling pressure does occur, it may provide additional fishing license sales. Funds from these license dollars would put additional management and restoration work on the ground, providing benefits to bull trout in Montana. The potential of increasing angler participation can also provide more awareness of bull trout biology and support for management. These benefits likely offset any impacts the project may have.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix so as to reduce the establishment of weeds. In conjunction with Granite County Weed Control District, FWP would implement the *Statewide Integrated Weed Management Plan* using chemical, biological and mechanical methods to control weeds on the property.

The proposed development of Westslope FAS would provide safe and convenient stream access for fishing, boating, and floating in addition to improving recreational opportunities for picnicking, walking, and wildlife viewing. The proposed project would increase recreational opportunities for this stretch of the popular Rock Creek.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public would be notified in the following manners to comment on the Westslope FAS Proposed Development Project, the Proposed Action and alternatives:

- Two public notices would be published in each of these newspapers: *Anaconda Leader*, *Independent Record* (Helena), and *Missoulian*.
- Public notice on the Fish, Wildlife & Parks web page <https://fwp.mt.gov/>
- Copies of the Draft EA would be available at the FWP Region 2 Headquarters in Missoula and the FWP State Headquarters in Helena.
- A statewide news release would be prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues. This news release would also be posted on FWP's website <https://fwp.mt.gov/> ("News").
- Copies of this environmental assessment would be mailed (or notification of its availability emailed) to neighboring landowners and other interested parties (individuals, groups, agencies) to assure their knowledge of the Proposed Action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated. If requested within the comment period, FWP would schedule and conduct a public meeting on this Proposed Action.

2. Duration of comment period:

The public comment period will extend from June 15 through July 14, 2021 (30 days). Comments must be received no later than July 14, 2021, and can be mailed to the addresses below:

MT FWP Region 2
Attn: Westslope FAS
3201 Spurgin Road
Missoula MT 59804

Or emailed to: shrose@mt.gov

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the Proposed Action: therefore, an Environmental Impact Statement (EIS) is not necessary and an environmental assessment (EA) is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions, and potential conflicts with local,

federal, or state laws. As this EA revealed no significant impacts from the Proposed Actions, an EA is the appropriate level of review and an EIS is not required.

2. Person(s) responsible for preparing the EA:

Rory Zarling
Region 2 Fishing Access Site Manager
3201 Spurgin Road
Missoula, MT 59804
rzarling@mt.gov
(406) 542-5561

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

3. List of agencies or offices consulted during preparation of the EA:

Montana Department of Commerce, Travel Montana
Montana Department of Transportation
Montana Fish, Wildlife & Parks
 Design and Construction
 Lands Unit
 Fisheries Division
 Wildlife Division
Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana State Historic Preservation Office

APPENDICES

- A. HB 496 Project Qualification Checklist
- B. Environmental Summary Report: Montana Species of Concern in the Vicinity of Westslope Fishing Access Site (Montana Natural Heritage Program)
- C. Tourism Report (Montana Department of Commerce)
- D. Montana Fish, Wildlife and Parks' Best Management Practices
- E. Biological Assessment for the Westslope FAS (Montana Fish, Wildlife & Parks)

**APPENDIX A
HB 495 PROJECT QUALIFICATION CHECKLIST**

Date: November 14, 2019

Person Reviewing: Andrea Darling

Project Location: The proposed Westslope FAS is located on Rock Creek along County Highway 348 approximately 14 miles west of Philipsburg, Montana in Granite County, SE1/4 Section 25, Township 7 North, Range 16 West.

Description of Proposed Work: Montana Fish, Wildlife & Parks (FWP) proposes to develop approximately 1.5 acres of private land encumbered by a FWP Conservation Easement along Rock Creek for the purpose of providing safe public access to Rock Creek and creating a fishing access site (FAS). Proposed developments include a designated gravel parking area, a single-wide concrete boat ramp, a gravel access road, a concrete vault latrine, boundary and privacy fencing, and informational signs. Development of the site would provide the only developed FWP-managed FAS on Rock Creek providing legal access to a very popular stream for boating, floating, fishing, wildlife viewing, and picnicking.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

- ☐ **A. New roadway or trail built over undisturbed land?**
Comments: The access road would be realigned but built over land disturbed by agriculture and anglers for years.
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No new construction.
- ☒ **C. Any excavation of 20 c.y. or greater?**
Comments: Yes, for the boat launch, staging area, and parking area.
- ☒ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: The parking area will increase capacity by more than 25% on the site.
- ☐ **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No shoreline alteration other than for a singlewide boat ramp.
- ☒ **F. Any new construction into lakes, reservoirs, or streams?**
Comments: The boat ramp would be built along the Rock Creek streambank.
- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: SHPO would be contacted prior to commencement of construction.
- ☐ **H. Any new above ground utility lines?**
Comments: No new utility lines.
- ☐ **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No new campsites.
- ☒ **J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?**
Comments: Yes, the Proposed Action would change the use pattern by developing a FAS.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

ENVIRONMENTAL SUMMARY REPORT MONTANA NATURAL HERITAGE PROGRAM

Montana Species of Concern in the Vicinity of Westslope Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates species occurrences of bald eagle (listed as DM by USFWS), bull trout (listed as LT and CH by USFWS), and wolverine (listed as P by USFWS) within one mile of the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The search indicated that westslope cutthroat trout, golden eagle, great blue heron, pileated woodpecker, great gray owl, Clark's nutcracker, brown creeper, evening grosbeak, Cassin's finch, fisher, Townsend's big-eared bat, hoary bat, little brown myotis, fringed myotis, and western pearlshell, Montana animal Species of Concern, have also been observed in or near the Proposed Action site. No occurrences of Montana plant Species of Concern have been observed within 2 miles of the Proposed Action site. More information on these species is included below.

Montana Species of Concern. The term “Species of Concern” includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific Pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)--Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

P. Proposed threatened: Any species that is proposed in the Federal Register to be listed under Section 4 of the Act.

CH. Critical Habitat The specific areas (i) within the geographic area occupied by a species, at the time it is listed, on which are found those physical or biological features (I) essential to conserve the

species and (ii) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed upon determination that such areas are essential to conserve the species.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	Definition
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

**MONTANA PLANT AND ANIMAL SPECIES OF CONCERN
IN THE VICINITY OF
WESTSLOPE FISHING ACCESS SITE**

1. *Haliaeetus leucocephalus* (Bald Eagle)

Montana Special Status Species

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S4**

Habitat -Riparian Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; Global: G5
BCC10; BCC11, BCC17**

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP:

Element Occurrence data was reported of bald eagle within one mile of the project area.

2. *Aquila chrysaetos* (Golden Eagle)

Montana Special Status Species

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Habitat -Grasslands

Federal Agency Status:

U.S. Fish and Wildlife Service: **BGEPA; MBTA; Global: G5 BCC17**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of golden eagle within one mile of the project area.

3. *Ardea Herodias* (Great Blue Heron)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Riparian Forests

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of great blue heron within one mile of the project area.

4. *Dryocopus pileatus* (Pileated Woodpecker)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Moist Conifer Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of pileated woodpecker within one mile of the project area.

5. *Strix nebulosa* (Great Gray Owl)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Conifer Forest Near Open Meadows

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3; SGIN**

Element Occurrence data was reported of great gray owl within one mile of the project area.

6. *Nucifraga columbiana* (Clark's Nutcracker)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Conifer Forests

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service: **Species of Special Concern on Forests**

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of Clark's nutcracker within one mile of the project area.

7. ***Certhia americana* (Brown Creeper)**

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Moist Conifer Forests

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of brown creeper within one mile of the project area.

8. ***Coccothraustes vespertinus* (Evening Grosbeak)**

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Conifer Forests

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of evening grosbeak within one mile of the project area.

9. ***Haemorhous cassinii* (Cassin's Finch)**

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Dry Conifer Forests

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA; BCC10**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of Cassin's finch within one mile of the project area.

10. ***Gulo gulo* (Wolverine)**

Vertebrate animal-Mammal

Natural Heritage Ranks

State: **S3**

Global: **G4**

Habitat- Boreal Forests and Alpine Habitats

Federal Agency Status:

U.S. Fish and Wildlife Service: **P**

U.S. Forest Service: **Proposed on Forests**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of wolverine within one miles of the project area.

11. ***Pekania pennanti* (Fisher)**

Vertebrate animal- Mammal

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat- Mixed Conifer Forests

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive-Known on forests**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of fisher within two miles of the project area.

12. ***Corynorhinus townsendii* (Townsend's Big-eared Bat)**

Vertebrate animal- Mammal

Natural Heritage Ranks

State: **S3**

Global: **G4**

Habitat- Caves in Forests

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive-Known on Forests**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of Townsend's big-eared bat within one mile of the project area.

13. ***Lasiurus cinereus* (Hoary Bat)**

Vertebrate animal- Mammal

Natural Heritage Ranks

State: **S3**

Global: **G3G4**

Habitat- Riparian and Forests

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive-Known on Forests**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of hoary bat within two miles of the project area.

14. Lasiurus cinereus (Little Brown Myotis)

Vertebrate animal- Mammal

Habitat- Generalists

Natural Heritage Ranks

Federal Agency Status:

State: **S3**

U.S. Fish and Wildlife Service:

Global: **G3**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of little brown myotis within two miles of the project area.

15. Myotis thysanodes (Fringed Myotis)

Vertebrate animal- Mammal

Habitat- Mixed Conifer Forests

Natural Heritage Ranks

Federal Agency Status:

State: **S3**

U.S. Fish and Wildlife Service:

Global: **G4**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of fringed myotis within one mile of the project area.

16. Oncorhynchus clarkii lewisii (Westslope Cutthroat Trout)

Vertebrate animal- Fish

Habitat-Mountain Streams, Rivers, Lakes

Natural Heritage Ranks

Federal Agency Status:

State: **S2**

U.S. Fish and Wildlife Service:

Global: **G4T4**

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of westslope cutthroat trout within one mile of the project area.

17. Salvelinus confluentus (Bull Trout)

Vertebrate animal- Fish

Habitat-Mountain Streams, Rivers, Lakes

Natural Heritage Ranks

Federal Agency Status:

State: **S2**

U.S. Fish and Wildlife Service: **LT; CH**

Global: **G4**

U.S. Forest Service: **Threatened; Critical Habitat on Forests**

U.S. Bureau of Land Management: **Threatened**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of bull trout within one mile of the project area.

18. Margaritifera falcata (Western Pearlshell)

Vertebrate animal- Invertebrates

Habitat-Mountain Streams and Rivers

Natural Heritage Ranks

Federal Agency Status:

State: **S2**

U.S. Fish and Wildlife Service:

Global: **G5**

U.S. Forest Service: **Sensitive- Known on Forests**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of western pearlshell within one mile of the project area.

APPENDIX C

TOURISM REPORT MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Visitor Services Manager
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Westslope Fishing Access Site Development

Project Description: Montana Fish, Wildlife & Parks (FWP) proposes to develop approximately 1.5 acres of private land encumbered by a FWP Conservation Easement along Rock Creek for the purpose of providing safe public access to Rock Creek and creating a Fishing Access Site (FAS). Proposed developments include a designated gravel parking area, a single-wide concrete boat ramp, a gravel access road, a concrete vault latrine, boundary and privacy fencing, and informational signs.

1. Would this site development project have an impact on the tourism economy?
NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy if properly maintained. The opportunity to fish Montana waters and native Montana fish populations is marketed to destination visitors from around the world, as well as in-state travelers. This project adds the only fishing access (FAS) and public access point on Rock Creek for recreationalists. Rock Creek is a very popular trout fishing stream. Additionally, the Westslope FAS is located on Hwy 348 about 14 miles west of Philipsburg, a rapidly growing destination location for tourism visitors.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities with the addition of specific amenities (a designated gravel parking area, a gravel boat launch, a gravel access road, a concrete vault latrine, boundary fencing, and informational signs). These are all important improvements and critical components for long-term sustainability of this asset. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Jan Stoddard

Date: 7/9/19

APPENDIX D

MONTANA FISH, WILDLIFE AND PARKS BEST MANAGEMENT PRACTICES

10-02-02

Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
 - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
 - a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. Road Design

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. Drainage from Road Surface

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
 - a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
 - b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.

- c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.
 2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
 3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
 4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.
- D. Construction/Reconstruction
1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
 2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these “slash filter windrows” so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
 3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
 4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
 5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
 6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.
- E. Road Maintenance
1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
 2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
 3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or

plowing snow.

4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce

the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.

3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.

APPENDIX E

Montana Fish, Wildlife & Parks WESTSLOPE FAS BIOLOGICAL ASSESSMENT

To help you in preparing a Biological Evaluation for listed species, we are providing the following information:

Evaluation

An evaluation should be conducted addressing project impacts to wildlife and plants but specifically listed species. The lead federal agency (Corps of Engineers) or their designated representative will make the effects determination of project impact to listed species and their critical habitat based, in part, upon information that you provide. If a determination is “may affect” for listed species, the federal agency must provide all relevant information used in making impact determinations to the U.S. Fish and Wildlife Service. Your project evaluation should include the following:

General information required for consultation requests

I. Project Description

- a. Provide the location of the proposed action including state, county, and township, range and section.
- b. Provide a map of the project vicinity with the boundary of the proposed activity depicted.
- c. Provide a detailed description of the proposed activity, including secondary project features such as access roads, power lines, etc.

II. Site Specific Information

- a. Identify listed, proposed and candidate species that may occur on site or within the influence of the proposed project.

Bull trout is the primary listed species that could be affected by this project and the only known listed aquatic species.

- b. Provide a description of the habitat on site or within the influence of the project, including constituent elements.

Rock Creek in this reach is occupied by bull trout year-round with this portion of the creek being used as foraging, migratory and overwintering (FMO) habitat. This reach of Rock Creek maintains significant numbers of bull trout during all seasons, although a portion of the population likely disperse during high temperature periods and spawning migration periods. See section below for specific densities of bull trout during surveys. The habitat in this reach of Rock Creek is very good. There has generally not been significant habitat alteration in this reach. The valley above and below this reach is primarily used for cattle ranching. There are some impacts to the stream flows due to diversion of water for irrigation in this reach, but significant dewatering does not occur. Riparian grazing also occurs in a portion of the valley adjacent to the project but does not appear to be having major impacts to Rock Creek in most of this reach. Recruitment of woody riparian vegetation is definitely limited in some reaches due to cattle grazing but doesn't appear to be having significant impacts to this reach of Rock Creek. Overall, the bull trout habitat in this reach of Rock Creek is in fairly good condition which is why densities of bull trout remain relatively good in this reach.

- c. Provide any known survey information.

An electrofishing section is completed nearly every year in the reach appx. ¼ mile downstream of the Westslope Fishing Access Site. Over recent years, generally 4-6 bull trout are captured in this reach over three passes. Thus, densities could be considered moderate in this reach of Rock Creek. A bull trout radio telemetry study was completed in Rock Creek in the late 1990's and it was found that adult bull trout used this portion of Rock Creek quite frequently. The most productive bull trout spawning tributaries are located in the upper portion of the drainage, thus many adult bull trout using habitat lower in the drainage migrate through this reach to gain access to spawning tributaries.

III. Effects of the Action

- a. Describe the effects of the action that would directly affect the species and designated critical habitat.

There are no known direct impacts to bull trout or direct take of the species.

- b. Describe effects of the action that would indirectly affect the species and designated critical habitat.

There are some potential indirect impacts. The first potential impact is the installation of the boat ramp and rip-rap directly adjacent to the ramp. A larger scale rip rap or bank hardening project can negatively impact bull trout habitat by reducing natural fluvial processes that lead to the formation of complex fish habitat. It can also cause higher stream velocities which can lead to downstream bank erosion or other channel changes. However, due to the small footprint of this project, these impacts would be negligible.

The other impact to bull trout that this work could have is an increase in fishing pressure in the reach which could lead to additional harvest of bull trout or bull trout mortality from handling by anglers. However, we feel that the development of this site is likely to have minimal additional impact to bull trout in this reach. The current regulation on Rock Creek is catch and release for bull trout, so no additional harvest should occur unless done illegally. We do not expect illegal harvest to increase due to the development of this site. Most studies on the impact of catch and release indicate that there is minimal mortality to salmonids from catch and release, despite occasionally causing hook scars or other deformities.

Overall, we actually do not expect that angling pressure would increase considerably due to the development of this site. There is currently boat access across the creek on Rock Creek Rd. There is also foot access both up and downstream of the proposed fishing access site. Thus, this access development would likely not significantly increase the angling pressure to this portion of Rock Creek, it would simply make it easier for anglers to use this reach and would provide appropriate and safe parking unlike the current condition.

If additional angler use occurs upon development, additional fishing licenses may be sold. These dollars are partially put towards management of bull trout fisheries and also support restoration projects to improve bull trout habitat (e.g. Future Fisheries Program). Thus, increased use could be offset by additional angler dollars for the management of these fisheries. Another secondary benefit of potential increased angler use is an overall increase in angler participation which could also provide more political support for bull trout management and protection in Western Montana in the future.

IV. Independent and Interrelated

- a. Describe effect of interdependent actions (those actions that have no independent utility apart from primary actions).

See above--no other independent or interrelated actions expected.

- b. Describe effects of interrelated actions (actions that are part of the primary action and depend on that action for their justification).

V. Cumulative effects

- a. Describe the effects of actions that are cumulative to the primary action. This includes past, present or future state or private activities that are reasonably certain to occur.

Cumulative impacts can be observed from channel hardening if done at a large scale on multiple banks, but this project affects such a small portion of the creek that there should not be any significant addition to cumulative impacts from this project.

VI. Determination of Effect on the species and designated critical habitat

- a. One of the following determinations should be recommended, the Corps would make final effects determination:

Beneficial effect: must be submitted to the FWS for written concurrence.

No effect: written concurrence is not required.

Not likely to adversely affect: impacts are insignificant, discountable or completely beneficial. Written concurrence is required.

Likely to adversely affect: a written request for formal consultation is required.

Determination: *Likely to not adversely affect. The boat ramp portion of this project would harden a very short length of the Rock Creek channel and as explained above, the footprint is so small that the impacts would not be measurable. Additional angling pressure could occur leading to incidental mortality of bull trout, but access to this portion of the creek is already readily available for both floaters and wade fishermen, so additional impact would likely be negligible. If additional angling pressure does occur, it may provide additional fishing license sales. Funds from these license dollars would put additional management and restoration work on the ground, providing benefits to bull trout in Montana. The potential of increasing angler participation can also provide more political support for bull trout management and protection in the future. These benefits likely offset any impacts the project may have.*