



**MTFWP Region 5, 2300 Lake Elmo Road, Billings, MT 59105  
Decision Notice and Finding of No Significant Impact for the  
Buffalo Creek Yellowstone Cutthroat Trout Conservation project**

**April 14, 2022**

Thank you for your reviews, comments, and suggestions regarding the proposed Buffalo Creek Yellowstone Cutthroat Trout Conservation project by Montana Fish, Wildlife & Parks (FWP). As detailed in the draft Environmental Assessment (EA), the objective of this project is to remove nonnative rainbow trout from the Buffalo Creek watershed, which would protect the genetic integrity of Yellowstone cutthroat trout in the Lamar River basin. Secondly, the proposed action would establish a secure population of nonhybridized Yellowstone cutthroat trout in Buffalo Creek above the barrier falls. Rainbow trout removal in the project area would be conducted with the use of CFT Legumine™ liquid rotenone. The removal will be followed by stocking of Yellowstone cutthroat trout in the project area.

**MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PROCESS**

The proposal has been analyzed in an Environmental Assessment (EA) to satisfy the Montana Environmental Policy Act (MEPA). FWP is required to assess the impacts of the proposed action to the human and natural environment as directed by MEPA. Under the MEPA process, a 34-day public comment period ran from March 19, 2021 through April 21, 2021. Notice was published twice in the Billings Gazette and Helena Independent Record, posted on the FWP web page, and notice provided to an electronic list of interested publics.

**ISSUES RAISED IN THE ENVIRONMENTAL ASSESSMENT (EA)**

Issues raised by the public included a desire to allow the public to assist by angling and removing limits of rainbow trout in the drainage, removal of a sportfish, future non-native trout having access from the Lamar system, concern for the use of chemical for people, stock, non-target species, a desire to support the project but use electrofishing, angling, or netting rather than chemicals, human interference with nature and natural selection, having actions in the designated wilderness area, support for the project to maintain natural characteristics of Yellowstone Park, improving status of cutthroat.

## **GENERAL SUMMARY OF PUBLIC COMMENTS**

FWP received input from 74 individuals with some representing organizations. Forty comments were against the project, 24 comments were in support of the project, and 10 comments didn't indicate their position or posed questions. Groups responding included Montana Trout Unlimited, Magic City Flyfishers, Madison-Gallatin chapter and Joe Brooks chapter of Trout Unlimited, the Native Trout Work Group of Trout Unlimited and Wilderness Watch.

Wilderness Watch created a web-based platform to allow members to send a form-letter in opposition of the project. The letters were not sent to the appropriate comment email account, but FWP did include those form letters as part of the public comment. FWP received approximately 8,769 form letters either directly or counted by a spam filter.

## **FWP RESPONSES TO PUBLIC COMMENTS**

### **Allowing more harvest prior to treatment**

Angling is inefficient in removing fish to the level needed for this project (EA page 27, 2.2.2 Angling). Anglers would need to annually maintain sufficient pressure to harvest all adults before spawn. Buffalo Creek is a remote backcountry stream in the Beartooth Wilderness containing over 40 miles of occupied stream that receives insufficient angling pressure to remove the population of rainbow trout. The population of rainbow trout in Buffalo Creek is represented by fish generally less than six inches and less susceptible to anglers.

In response to comments of this nature, the Fish and Wildlife Commission lifted rainbow trout harvest limits and created a mandatory kill order for rainbow trout in Buffalo Creek and its tributaries. This change was implemented in 2021. This is consistent with Yellowstone National Park fishing regulations in Buffalo Creek and the rest of the Lamar River drainage.

### **Removal of a sportfish**

FWP recognizes rainbow trout as an important sportfish in the state of Montana. FWP would replace rainbow trout with Yellowstone cutthroat trout, also an important sportfish that carries additional management needs. Yellowstone cutthroat trout are expected to provide equivalent or better sport fishing opportunity than rainbow trout when stocked in Buffalo Creek.

### **Yellowstone cutthroat trout populations and nonnative trout invasion post-treatment**

Buffalo Creek is inhabited by only rainbow trout upstream of the barrier falls near the Yellowstone National Park boundary. FWP plans to restock Hidden Lake with catchable Yellowstone cutthroat trout and restock the creek upstream of the barrier falls with Yellowstone cutthroat trout after the treatment is completed. The barrier falls prevents upstream movement of fish, which will secure the population of Yellowstone cutthroat trout upstream of the barrier.

## **Use of Rotenone**

Some public comments indicated an aversion to rotenone in Buffalo Creek. Rotenone will result in reduced macroinvertebrate abundance in the short-term. FWP and other independent research efforts have documented macroinvertebrate populations recover post-treatment (EA 3.1.4 Fish and Wildlife Section). Headwater tributary streams above barriers will not be treated with rotenone. This allows natural invertebrate drift and likely increases the rate of recovery. There are many miles of the project that will not be treated and will remain fishless due to barriers in those subbasins. Rotenone can impact terrestrial animals; however, the amount of rotenone an organism needs to ingest to be adversely affected is far more than that organism can consume at proposed use rates (EA 3.1.4 Fish and Wildlife Section).

Rotenone has been used on numerous fish removal projects with little impact to human health (EA 3.3.3 Health Risks and Health Hazards). Applicators will follow the directions and limitations in the label to minimize potential adverse effects to themselves and others.

## **Using electrofishing/nets**

Electrofishing and netting to remove rainbow trout were evaluated for the project (EA 2.2 Alternatives Considered but Dismissed). Electrofishing is not effective in eradicating fish in complex habitats or in large systems. It is also ineffective in deep water and in capturing most juvenile fish. Buffalo Creek contains miles of deep meadow sections where electrofishing would be ineffective. The amount of effort that would need to occur over Buffalo Creek and its tributaries of rainbow trout inhabited water would be unfeasible.

## **Human manipulation**

Nonnative rainbow trout in Buffalo Creek are a result of their introduction into Hidden Lake in 1935 for recreational purposes. Recreational fish introductions were common during this time and little thought was given to the impacts on native fish. Native fish restoration and nonnative fish removal projects are key to ensuring native fish survive into the future. The stocking of nonnative rainbow trout has impacted the Lamar River drainage for almost a century. Removing rainbow trout in Buffalo Creek and restoring native Yellowstone cutthroat trout will help in restoring the Lamar River watershed closer to its original state. Human impacts have reduced Yellowstone cutthroat trout to a small fraction of their historic range. This has resulted in their listing as a species of concern. While Buffalo Creek had been documented as fishless, the project will improve the amount of secured habitat occupied by cutthroat trout and contribute to the resilience of Lamar cutthroat trout rather than remain a threat to cutthroat trout persistence.

## **Wilderness designation**

A thorough analysis of the impacts to wilderness are addressed in the U.S. Forest Service MRDG (Minimum Requirements Decision Guide). Changes in the EA reflect the new Custer-Gallatin Forest Plan and Wilderness scoping. FWP has consulted with the USFS and has been collaboratively working to complete the project successfully and effectively with the least amount of disturbance.

## Support

Comments in support approved of preserving and enhancing Yellowstone cutthroat trout with the removal of rainbow trout. Rainbow trout in Buffalo Creek represent most of the threat to Yellowstone cutthroat trout in the Lamar River drainage.

## DECISION

After considering the public comment, FWP approves the proposed action to remove rainbow trout as a known threat to Yellowstone cutthroat trout throughout the Lamar River watershed, and to establish a population of Yellowstone cutthroat trout in their place. Rotenone is approved for removal of rainbow trout. Following the Environmental Assessment, I have determined the proposed action will not have negative effects on the human and physical environments associated with this project. I conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is unnecessary. The department will proceed with the Buffalo Creek Yellowstone Cutthroat Trout Conservation project with anticipation of a 2022 start. FWP accepts the draft EA, with amendments reflecting the changes in the Custer-Gallatin Forest Plan and Wilderness scoping, as final. The FWP Commission has approved the project, lifted harvest restrictions, and implemented a mandatory kill for rainbow trout in Buffalo Creek and its tributaries. This matches regulations and management objectives with Yellowstone National Park. The goals of this project will provide benefits to native Yellowstone cutthroat trout in Buffalo Creek and Yellowstone National Park while providing a fishery for human and wildlife use in place of the existing rainbow trout fishery. By this Decision Notice, the draft EA is hereby made final.

In accordance with FWP policy, an appeal may be made by any person who has commented in writing to the department or who can provide new evidence that would necessitate altering course. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, MT Fish Wildlife and Parks, PO Box 200701, 1420 East 6<sup>th</sup> Avenue, Helena, MT 59620-0701.



Mike Ruggles  
Region 5 Supervisor  
Montana Fish Wildlife and Parks

4/14/2022

Date